

# **Exhibit A**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

COLLEEN KOSLOSKY :  
vs. :  
AMERICAN AIRLINES, INC. :  
Civil action no.  
2 : 18-cv-04654-PD

VOLUME I

- - -

Philadelphia, Pennsylvania

May 7, 2019

- - -

Deposition of COLLEEN KOSLOSKY, held in  
the offices of VERITEXT LEGAL SOLUTIONS, 1801 Market  
Street, Suite 1800, on the above date at 10:12 a.m.,  
before Rachel L. Cicalese, a Registered Professional  
Reporter and Certified Court Reporter.

- - -

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1 but I was already displaced to Philadelphia. I am  
2 exhausted just hearing this. And I got to Philly.  
3 It was almost like I went full circle, and I came  
4 home -- because I am from New Jersey.  
5 Philadelphia -- Philadelphia, in the system they  
6 have a horrible reputation, but at that time that  
7 was the best-kept secret in the system. That was  
8 my favorite station.

9 Q. And when you were displaced to  
10 Philadelphia in 1992, did you continue as a  
11 customer service agent?

12 A. I did. I did.

13 Q. From the time you became a customer  
14 service agent in 1990, through your last day of  
15 employment, did you function as a customer service  
16 agent?

17 A. I did.

18 Q. So, from 1990 through 2017?

19 A. I did.

20 Q. You were a customer service agent?

21 A. The whole time.

22 Q. Did you hold any other position with  
23 the company over that time period?

24 A. No. Like --

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1 Q. Like --

2 A. No, I wasn't the chairman of the  
3 board. I wasn't a board member. I was just a  
4 lowly customer service agent.

5 Q. That wasn't my implication.

6 A. No. I am being funny. I am being  
7 funny. I am not taking that as any kind of insult.

8 Q. Okay. Well, let's -- then from 1992  
9 through 2017, were you based in Philadelphia?

10 A. I was.

11 Q. That whole time?

12 A. That whole time.

13 Q. Were you subject to any furloughs?

14 A. I was too senior at that time because  
15 they changed everything to date of hire.

16 Q. And you had previously mentioned that  
17 unions came around in the nineties?

18 A. They did come around in the nineties.  
19 I think that happened after they took our pension  
20 in '91 -- US Air did, US Air pension for the  
21 customer service agents was eliminated. I don't  
22 even know what year it was, to tell you the truth.  
23 I think it was maybe about '91 it was eliminated.

24 Q. Okay. Just so we are clear, US

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1                   As far as managers, regular  
2 managers -- are we going to be eliminating the duty  
3 manager? Are we going to be eliminating the duty  
4 manager, because it didn't exist in 2017?

5                   Q. Right. So, I am focusing on 2017.  
6 You told me duty manager doesn't exist, and I am  
7 asking you to whom the customer service managers  
8 directly reported.

9                   A. Well, you had a senior manager. So,  
10 you had a manager who reported to the senior  
11 managers. Senior manager I assume would have  
12 reported to Beth Norton. I was never in any  
13 meetings, but I do know that managers and senior  
14 managers did get together for meetings.

15                  Q. All right. So, in 2017, Beth Norton  
16 was the --

17                  A. Customer service director. Or I  
18 think -- American has another name for it.

19                  Q. Managing Director of Customer Care?

20                  A. That is it.

21                  Q. Who were the senior managers who  
22 reported to Beth Norton in 2017, if you know?

23                  A. Okay. I will try to remember. I do  
24 want to preface this, if I may, though. I do not

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1 get involved with the politics of the airport. I  
2 am not one -- I don't really pay attention to who  
3 is where, what, and why.

4 Q. I can only ask you what you know and  
5 what you remember.

6 A. Fair enough.

7 Q. I should have said that when we were  
8 talking about ground rules that if you don't  
9 remember something or don't know something and that  
10 is your most truthful answer, that is the answer  
11 you should give.

12 A. Fair enough. I am just trying to  
13 give you as full an answer as I can give you.

14 Q. Thank you. I will take full. I will  
15 take estimates. I don't want guesses, though.

16 A. Fair enough. I am trying not to.  
17 That is why I am being a tad long-winded, and I  
18 don't mean to be. Okay.

19 Could you please repeat the question?

20 Q. Yes. We are just laying out the  
21 reporting structure in 2017.

22 A. Okay. Absolutely. Sure. Okay.

23 Q. Here is where we are so far:  
24 Customer service agents directly report to customer

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1 service supervisors, right?

2 A. Right.

3 Q. Customer service supervisors directly  
4 report to customer service managers, right?

5 A. Right.

6 Q. Customer service managers directly  
7 report to senior managers, right?

8 A. They do.

9 Q. Senior managers report to the  
10 director, Beth Norton?

11 A. To the director.

12 Q. And I had asked you if you knew the  
13 names of the senior managers?

14 A. Okay. I know one of the senior  
15 managers at the time was Nicole Blanchard. Another  
16 one of the senior managers at the time was -- she  
17 came over from American. It's a really pretty  
18 name, too. It is not Charlene or -- I can't think  
19 of her name. I cannot think -- it is like a  
20 Charlene -- Jillian. Jillian. It was a pretty  
21 name. I knew it was a really pretty name.  
22 Jillian.

23 That is the only two I know of, to  
24 tell you the truth. That is it.

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1 A. Right.

2 Q. At the time of your separation, Beth  
3 reported to Vice-President Olympia Colasante?

4 A. Yes.

5 Q. You are not sure who Beth reported to  
6 before Olympia took that job?

7 A. I never -- I don't get involved in  
8 the politics. I never had a reason. I never had a  
9 problem. I don't know who the station manager was.  
10 Honest to God, I had no idea.

11 And you know what, they come and go.  
12 They do. I don't have to tell you. They come and  
13 they go. The next thing you know there is an  
14 announcement coming out that there is a new  
15 somebody out there.

16 Q. I'm correct that you worked as a  
17 customer service gate agent?

18 A. Yes.

19 Q. Correct?

20 A. That is correct. Yes, sir.

21 Q. And for how long prior to your  
22 separation did you work the gate agent function?

23 A. I think there was -- well, from '92  
24 all the way through, except there were a couple of

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1 because of a bid 15 to 20 years ago?

2 A. I can. Sure. Every so often,  
3 usually -- it depends. It could be three times a  
4 year, four times a year. Depending upon the flow  
5 of aircraft coming in, they have bids. And what  
6 bids are is they are schedules that are -- they are  
7 schedules of staffing. And they have -- some are  
8 for ticket counter. Some are for the gate. Some  
9 are for special services. And based upon your  
10 seniority and where you will fall, you bid your  
11 line, your days off. You can bid -- you can bid  
12 the ticket counter. You can bid special services.  
13 You can bid international. International. You can  
14 bid domestic.

15 And just depending upon what line is  
16 open, the shift, the days off -- and again, where  
17 your seniority lays -- that is how they do the bid.  
18 And that's about the best explanation I have for  
19 you.

20 Q. Okay. And, so, when it comes to the  
21 different customer service agent functions --

22 A. Yes.

23 Q. -- at the Philadelphia Airport, the  
24 particular function that a customer service agent

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1       is going to work is going to be determined by how  
2       he or she bids and his or her relative seniority to  
3       the other people bidding for that function?

4           A.       That is correct.

5           Q.       And the functions are awarded in  
6       order of seniority?

7           A.       That is correct.

8           Q.       Right. And is it the case that you  
9       were able to hold the function of your choosing for  
10      so long because you were among the more senior  
11      customer service agents?

12         A.       That is correct.

13         Q.       Do you know where you fell on the  
14      list of --

15         A.       I was halfway up the page, of the  
16      first page. I don't know my number, but if I  
17      looked at the page, I was right in the middle.  
18      Maybe a little bit above it.

19         Q.       So, that might put you in the top ten  
20      or 15?

21         A.       Top 15, maybe, is my best estimation.

22         Q.       So, your best estimation is that --

23         A.       Maybe 20. I don't know. It was  
24      very -- it was right there.

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1 Q. That is okay. What about club reps?

2 A. That is a different animal all  
3 together. That is run by Julie. And club reps  
4 are -- are club reps under --

5 You would know this. Are they under  
6 sales? Is the club under the sales department.

7 Q. Yes, I can't answer questions because  
8 it is your deposition. I am sorry.

9 A. Okay. I am sorry. I just don't know  
10 to tell you the truth. But the club is a  
11 completely separate entity as far as working at the  
12 airport. They have different rules, different  
13 uniforms. That is a different animal. That is  
14 just different.

15 Q. All right. So, it is your  
16 understanding that the club rep position --

17 A. Is not customer service.

18 Q. Okay. All right. So, here is what I  
19 have on my list as customer service agent  
20 functions.

21 A. Mm-hm.

22 Q. Gate agent?

23 A. Right.

24 Q. Ticket counter agent?

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1 A. Perfect.

2 Q. Recheck?

3 A. Yes.

4 Q. POC?

5 A. Right.

6 Q. Special services?

7 A. That is right.

8 Q. What else?

9 A. Baggage is out. I don't know. I  
10 think that -- I think that pretty much wraps it up.

11 Q. Okay. Okay. And were all of those  
12 functions that fall under customer service those --  
13 strike that.

14 All the agents who worked the  
15 functions we just identified were all members of  
16 the same customer service union, correct?

17 A. Yes.

18 Q. They were all on the same pay scale?

19 A. All -- yes, as far as I know, they  
20 were on the same pay scale.

21 Q. All entitled to the same benefits?

22 A. Everything, absolutely.

23 Q. All right. And if you were somewhere  
24 around 15th most senior out of hundreds and

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1       hundreds of customer service agents, you had the  
2       seniority to bid and hold any of the functions we  
3       have discussed?

4           A.       Most likely.

5           Q.       I know that you said that you didn't  
6       work anything other than the gates for the last  
7       15 years or so years of your employment?

8           A.       Right.

9           Q.       Were you required to undergo any  
10      periodic training in the other customer service  
11      agent functions?

12          A.       Every so -- well, there were times  
13       that they would -- I am using the word dump because  
14       that is what they would say. They would dump  
15       training classes into -- I think it is called  
16       I-Learning. And then they would say, okay, that  
17       one is really -- don't do that because that is not  
18       part of this or they would dump ramp stuff that we  
19       really didn't have to do.

20                  But, yes, we would have to do  
21       I-Learning for maybe other functions, but it wasn't  
22       extensive. It wasn't extensive like, you know,  
23       going full on in a classroom for training of ticket  
24       counter functions. I mean, we all had that basic

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1       would get Caribbean flights. We could get, like I  
2       said, Jamaica, Montego Bay, or we would get -- I  
3       don't know. Pick an island. You know, an island,  
4       that wasn't a U.S. territory, we would have to work  
5       those every so often.

6                  As far as arrivals, the --  
7       internationally, what would wind up happening is  
8       that every so often any airplane that cleared  
9       customs in the city of origin such as Ireland would  
10      be one of them, they would come into -- they would  
11      come into domestic. But for the most part, any  
12      kind of international flight primarily was kept  
13      over in international.

14                 Q.       For the last several years of your  
15       employment, did you primarily work gates in the B  
16       and C Terminal?

17                 A.       I did.

18                 Q.       Do you recall how many gates there  
19       were in B Terminal?

20                 A.       There were 15 gates in B because B12  
21       did not exist.

22                 Q.       Do you recall?

23                 A.       They have B16 --

24                 Q.       It's all right.

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1           A.     Sorry. It goes to B16, but B12  
2 doesn't exist. B12 used to be the commuter gate.  
3 And then over at C Concourse, it started at C17 and  
4 I believe it ended at C31. C31.

5           Q.     So, was that 14 or 15 gates over  
6 there?

7           A.     Yes.

8           Q.     And of those gates and of the 15  
9 gates in B Terminal, do you recall how many  
10 American Airlines operated?

11          A.     All of them.

12          Q.     And is the same true --

13          A.     All of them. In C, true.

14          Q.     The same is true in C?

15          A.     It is.

16          Q.     So, on a typical day at the airport,  
17 planes are coming and going from all of those  
18 terminals, right?

19          A.     Right.

20          Q.     How is it determined the last few  
21 years of your employment which flights a particular  
22 customer service agent would be responsible for  
23 working at the gates?

24          A.     That was under the direction of a

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1 Mr. Larry Raikes. Larry Raikes was the supervisor.

2 Q. Customer service supervisor?

3 A. I am sorry. Customer service  
4 supervisor that was responsible for delegating  
5 where agents would go to.

6 Q. And how were the schedules set and  
7 then adjusted, you know, throughout the day for  
8 flights that, you know, were coming in or leaving  
9 late? It doesn't seem like a work environment  
10 where you can make a decision first thing in the  
11 morning, this is what is going to happen, and then  
12 assume that that is what is really going to happen.

13 A. Of course.

14 Q. Given weather delays and mechanical  
15 delays and things like that?

16 A. Sure.

17 Q. So, practically speaking, how were  
18 the assignments of particular gates given and then  
19 adjusted for operational needs?

20 A. Sure. Philadelphia at the time  
21 operated on banks of flights.

22 Q. I am not familiar with that term,  
23 so --

24 A. Do you want me to elaborate?

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1 we all did -- we all pulled up our flights -- and  
2 every so often, you got a zinger. Every so often  
3 there is something pulling into your gate, and that  
4 is just the way it worked.

5 Q. All right. So, what I heard you say  
6 is you would get a first flight that wasn't  
7 necessarily at your assigned gate. Then you would  
8 be assigned to a gate for the day. And you would  
9 have a final flight that was often at your assigned  
10 gate?

11 A. More than likely. More than likely.

12 Q. All right. How many customer service  
13 agents worked a particular gate?

14 A. That would be interesting.  
15 Sometimes -- well, it depended. It depended. What  
16 they tried to do is put two at a gate. They tried.  
17 Sometimes when there was a change in shift, when  
18 there was overlap, there could be as many as three  
19 to four agents assigned to a flight, up to 30. I  
20 have worked 757s by myself. You know, it is one.  
21 I've worked a seven-five by myself.

22 Q. So, it varied?

23 A. Well, it did. But it is no -- I  
24 mean, a flight is a flight. It is great to have

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1           A.       And you know what, that is just the  
2 way it is.

3           Q.       All right. Was this system that you  
4 described where you were primarily assigned one  
5 gate for a day, was that the system in effect the  
6 last several years of your employment?

7           A.       Yes, sir.

8           Q.       And how did you -- what was the  
9 process for a customer service agent to learn where  
10 he or she was assigned for the day?

11          A.       You would walk into the office --  
12 originally, it was the B4 office -- and Larry would  
13 be at his desk. And it was at his discretion where  
14 an agent would be placed for the day.

15          Q.       Okay. And when Mr. Raikes was not  
16 working, was somebody else performing that  
17 function?

18          A.       They were.

19          Q.       And, so, you would report to the  
20 office by Gate B4 to learn your assignment for the  
21 day?

22          A.       Right. That is correct. It has  
23 since changed. The B4 office is now an Auntie  
24 Anne's and now the check-in is still on B Concourse

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1 directly under -- if it hasn't changed, it is  
2 directly underneath B5.

3 Q. When did that change?

4 A. That probably -- I'm going to  
5 estimate two years. Maybe a year and a half before  
6 I left.

7 Q. So, in 2016 and 2017, you were  
8 reporting to an office near B5?

9 A. That is underneath the airport.  
10 Where the ramp is, where the mechanics are.

11 Q. I understand.

12 A. All their offices are down there.

13 Q. So, that's ramp level?

14 A. Yes, sir.

15 Q. And the B4 office, was that?

16 A. That was the original, and then they  
17 changed it when they put a store in there. And  
18 then we went downstairs.

19 Q. Was the B4 office where you had been  
20 reporting, was that terminal level?

21 A. That was terminal level. It was.

22 Q. Were the international agents  
23 responsible for reporting to the B4 or B5 offices  
24 to get their assignments?

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1           A.       They were not. That was a separate  
2 terminal. Completely different.

3           Q.       What about the agents who worked in F  
4 Terminal?

5           A.       No, sir. That was over in F.

6           Q.       So, all the gate agents who were  
7 working in the B or C Terminals were required to  
8 report to the B4 and then the B5 office to receive  
9 their assignments?

10          A.       That is correct.

11          Q.       Was there any way to receive your  
12 assignment without reporting to that office  
13 physically?

14          A.       There were some agents that would  
15 text or call in. Every so often I did that myself.  
16 You know, where am I today? Is there any briefing?  
17 Where am I today? Nothing is going on. Your  
18 gate -- here is your first flight. There is your  
19 gate.

20          Q.       Was --

21          A.       But for the most part -- sorry.  
22 Excuse me.

23          Q.       Who could you call or text to get  
24 that information?

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1 Rights; and Koslosky 3, Complaint, was marked for  
2 identification.)

3 BY MR. FARRINGTON:

4 Q. All right. Take a look at what has  
5 been marked as Exhibit 1. Do you have it?

6 A. Exhibit No. 1. Exhibit No. 1, I have  
7 it.

8 Q. This is a charge of discrimination  
9 that you filed with the EEOC and the Pennsylvania  
10 Human Relations Commission, correct?

11 A. That is correct, David. Correct.

12 MR. KOLLER: No, that is for you.

13 MR. FARRINGTON: Yes, I will depose  
14 Dave a different day.

15 MR. KOLLER: It is to the best of  
16 your ability.

17 THE WITNESS: I am sorry. I am just  
18 learning this. I am sorry.

19 BY MR. FARRINGTON:

20 Q. No, it is okay.

21 So, Exhibit 1 is the Charge of  
22 Discrimination that you filed with the EEOC and  
23 Pennsylvania State Agency; is that right?

24 A. That is correct.

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1 Q. Is that your signature on the second  
2 page of the charge?

3 A. That is absolutely my signature, yes.

4 Q. Who drafted -- if you know, who  
5 drafted the narrative that is in this charge?

6 A. I would say that this is my statement  
7 to my attorney. I would say that. But who typed  
8 it -- I did not type it, but this was a discussion  
9 that I had with my attorney.

10 Q. Okay. And by signing the charge you  
11 were attesting that everything that was alleged in  
12 the narrative was truthful, correct?

13 A. Absolutely.

14 Q. And if you look at --

15 A. Where?

16 Q. The EEOC little stamp there.

17 A. Yes, I do see it.

18 Q. It looks like this was filed with the  
19 EEOC on February 27, 2018?

20 A. Okay.

21 Q. Is that correct?

22 A. It looks like -- well, it could be a  
23 one -- I don't know. It could be a one or a seven.

24 Q. Do you recall if you filed this on

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1 February 21 or 27?

2 A. I did not. David filed it. I did  
3 not file it.

4 Q. So, your testimony --

5 A. I can't determine if that is a one or  
6 a seven. I don't know what that says.

7 Q. Okay. So, we think it was filed on  
8 either February 21 or February 27, 2018?

9 A. Well, there is something in there.  
10 There is definitely something in there.

11 Q. Is it one of the two things I said?

12 A. Yes, it is either a one or a seven.

13 Q. Okay.

14 A. Pulling teeth, huh?

15 Q. Is this the only Charge of  
16 Discrimination that you filed against American  
17 Airlines?

18 A. Ever.

19 Q. Is it the only Charge of  
20 Discrimination that you ever filed against any  
21 employer?

22 A. Ever.

23 Q. Take a look at Exhibit 2. Exhibit 2  
24 is the EEOC's Dismissal and Notice of Rights,

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1 A. Did I review it? Did I review it --

2 Q. Did you review it to ensure that  
3 everything that was alleged in here was accurate to  
4 the best of your knowledge and information?

5 A. That is correct.

6 (Exhibits Koslosky 4, Attendance and  
7 Performance Guidelines; Koslosky 5, Overview of Social  
8 Media Policy, were marked for identification.)

9 BY MR. FARRINGTON:

10 Q. I've handed you Exhibits 4 and 5.  
11 Can you confirm Exhibit 4 is the attendance and  
12 performance guidelines for passenger service  
13 employees?

14 A. Yes, sir, that is what it says.

15 Q. Do you see the effective date is  
16 December 12, 2016?

17 A. Yes, I do see that.

18 Q. Do you agree as a customer service  
19 employee you were subject to the policies reflected  
20 in Exhibit 4 after September 12, 2016?

21 A. Of course.

22 Q. And then in Exhibit 5, the first  
23 page, do you see down in the bottom right-hand  
24 corner where it says American and a lot of zeroes

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1 and a five?

2 A. I do.

3 Q. Those are called Bates labels, Bates  
4 Numbers. So, the first page of Exhibit 5, which is  
5 American 0005, is the company's social media  
6 policy, correct?

7 A. That is what it says.

8 Q. And then American 6 through 9 is the  
9 work environment policy, correct?

10 A. That is right. That is exactly  
11 right.

12 Q. Do you acknowledge that as a customer  
13 service employee you were subject to both the  
14 social media policy and the work environment  
15 policy?

16 A. Well, I never -- well, I never did  
17 anything for the social -- that affected American  
18 Airlines with the social media policy, but I  
19 absolutely agree with the work environment policy.  
20 Absolutely.

21 Q. Yes. I am not asking you to agree  
22 that you violated the social media policy.

23 A. Okay.

24 Q. I am just asking you if you

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1 acknowledge that you were subject to it?

2 A. Everybody would be subject to it,  
3 sure.

4 Q. Including you?

5 A. Everybody. Yes, of course.

6 Q. As I read your Compliant --

7 A. Yes.

8 Q. -- I see a failure to accommodate  
9 disability discrimination claim?

10 A. Right.

11 Q. Then I also see some claims about the  
12 termination of your employment?

13 A. Yes, that is correct.

14 Q. I want to talk about the failure to  
15 accommodate claim first. All right. As I read the  
16 complaint, it appears that your allegation is that  
17 you consistently asked to be assigned to Terminal B  
18 exclusively?

19 A. That is right.

20 Q. As an accommodation for your  
21 disability?

22 A. That is correct.

23 Q. Is American Airlines' failure to  
24 grant that requested accommodation the basis for

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1 your failure to accommodate a claim?

2 A. That is correct. But there was a  
3 circumvention that occurred that it was, in fact,  
4 granted to me verbally, and then it was rescinded  
5 by the same person that just the day prior had  
6 given it to me. So, yes, there is definitely a --  
7 there is a problem. There was a problem.

8 Q. Yes, I am going to try to --

9 A. I will try to answer the best that I  
10 can, too. I am so sorry.

11 Q. No, you are doing fine. If you are  
12 answering thoroughly and truthfully, then you are  
13 doing your job. Okay?

14 A. Okay.

15 Q. This is just my chance to talk to you  
16 about the claims in your lawsuit and so it's  
17 important to me that I have a full and thorough  
18 understanding for the basis for the claims, right?

19 A. Sure.

20 Q. I promise we will do a deep dive on  
21 them. I just want to make sure that I understand  
22 there was one request for an accommodation; it was  
23 to work exclusively on Terminal B, correct?

24 A. That is correct.

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1 Q. That was your consistent request for  
2 several years?

3 A. Several years.

4 Q. Correct?

5 A. That's correct.

6 Q. Is there any other requested  
7 accommodation that is at issue in this lawsuit?

8 A. That was the only -- only thing that  
9 I wanted. That was it. And, so, no, as far as the  
10 accommodation, that is all that I wanted there.

11 Q. There was no other requested  
12 accommodation that you made that the company did  
13 not grant, right?

14 A. No. No. In the end. In the end.  
15 In the end, because this was a process of getting  
16 to the end.

17 Q. You are talking about working in  
18 Terminal B?

19 A. That is correct.

20 Q. My question is, did you make any  
21 request other than to be exclusively assigned to  
22 Terminal B that the company didn't grant?

23 A. No. No. No. Uh-uh. That is all I  
24 wanted. That was it.

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1 date that I had that done.

2 Q. Was the most recent surgery the one  
3 on your leg?

4 A. That is correct.

5 Q. Was that in 2013?

6 A. Yes, it was.

7 Q. Did you take a leave of absence after  
8 the surgery?

9 A. I did. I did.

10 Q. For how long?

11 A. I don't even know. Honestly, I don't  
12 know. Four months, five months maybe. I don't  
13 really -- honest to God, I don't know. I don't  
14 know.

15 Q. When was the first time -- strike  
16 that.

17 So, after the surgery you experienced  
18 nerve damage in the leg that was operated on,  
19 correct?

20 A. Right. I had severe edema. I even  
21 tried --

22 Q. That means swelling, right?

23 A. It's swelling, but it is also -- it  
24 was the nerve damage. And it -- I had -- per

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1           Q.     Started instantly and has lasted  
2 until today?

3           A.     Oh, yes.

4           Q.     And the edema started instantly after  
5 the surgery in 2013. And although it is somewhat  
6 improved, it continues to exist until today?

7           A.     It does and it's contingent. Now,  
8 don't misunderstand me, since I haven't been at the  
9 airport as much or even running around because not  
10 only did this severely affect my work environment,  
11 but it has affected my private life as well. So, I  
12 guess the point I am trying to make is that what  
13 was happening at work was also happening in my  
14 private life as well. There was no deviation from  
15 the two. So, you know, I wasn't out running the  
16 boardwalk in the summertime. It wasn't even  
17 possible.

18           Q.     Okay. I think your testimony is that  
19 the disability that you asked to be accommodated  
20 started after the surgery in 2013?

21           A.     Right.

22           Q.     And it's the same disability that you  
23 continue to have today, correct?

24           A.     I do.

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1 Q. And there is no other disability that  
2 you asked to be accommodated?

3 A. Absolutely not.

4 Q. And the accommodation you requested  
5 was exclusive assignment to gates in Terminal B?

6 A. Right.

7 Q. And that is the same accommodation  
8 you requested from the beginning through --

9 A. To the end.

10 Q. -- through the end of your  
11 employment?

12 A. Right.

13 Q. And when did you first request that  
14 accommodation?

15 A. Well --

16 Q. And I have the written accommodation  
17 request forms if that would help refresh your  
18 recollection.

19 A. No.

20 Q. I was eventually going to get to  
21 them. If you want to see them now, I can show them  
22 to you.

23 A. No, that is fine. No, that is fine.  
24 I didn't even know that there was a reasonable

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1 don't think they could. I don't think they had the  
2 authorization to help. And, so, finally -- I mean,  
3 it was like a hamster wheel.

4 So, finally, I was taught -- after  
5 years of this -- a co-worker said to me, you have  
6 put this all down in an e-mail, right? I am like  
7 why would I write an e-mail when I can go right to  
8 the person that can fix it? She said, honey, you  
9 can talk all day long. Until you put that in an  
10 e-mail, you just wasted, six, seven years of your  
11 life. And she was right. Once I wrote that  
12 e-mail, things started to change. Some for the  
13 good. A lot for the bad. But then ultimately, it  
14 changed for the great.

15 Q. Okay. Was the first formal  
16 accommodation request you made in August of 2016?

17 A. That was, I believe, the first one.

18 Q. Okay.

19 A. Because Mike Whittle had requested  
20 that I do a second one.

21 Q. So, you were saying that before  
22 August of 2016, when you made your formal request  
23 for an accommodation, you had informally asked  
24 various managers to instruct Larry to put you on

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1 Ty Northern, Christine Thompson, Nicole Blanchard,  
2 Murphy, and Terrence, did you identify the need --  
3 the reason that you wanted to be assigned  
4 exclusively to Terminal B?

5 A. Always.

6 Q. And how did you express that?

7 A. I would say to them, as you know, I  
8 had this surgery, I am having a heck of a time with  
9 this edema; I am having more problems with the  
10 nerve damage. And I would tell them it is the  
11 walk. I would say it's the walking. It is the  
12 walking on this tile, on this hard surface all the  
13 way down to the C Terminal. I said, could you just  
14 see if I could be on the B Concourse. I will go  
15 anywhere you want me to. It is just the walking.

16 Q. And when you went to the people that  
17 you've identified about that, were you asking them  
18 on a shift-by-shift basis --

19 A. I was asking --

20 Q. -- or were you asking them for  
21 permanent assignment to Terminal B?

22 A. I was asking them as I saw what my  
23 gate was for the day. So, depending upon how Larry  
24 delegated the gate assignments -- again, it is by

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1 would I want to undermine them? You work with  
2 them, you know. If somebody has -- and but see,  
3 that is just it. That was what the problem was, is  
4 that there was always excuses. We are doing a  
5 rotation. That is why I can't give it to you. We  
6 are doing a rotation. But that is not what was  
7 happening. It was -- I feel like I am in  
8 kindergarten. This is unbelievable.

9                   If you were in good graces, you were  
10 in good graces, and you weren't going to pay the  
11 price. If you weren't in good graces and you  
12 didn't succumb to bullying and humiliation, you  
13 were going to pay the price. And I am not a meek  
14 little girl.

15                   (Exhibit Koslosky 6, Reasonable  
16 Accommodation Request, was marked for  
17 identification.)

18 BY MR. FARRINGTON:

19                   Q. I am handing you what has been marked  
20 as Exhibit 6. Can you take a look through that and  
21 tell me when you've had an opportunity to do so?

22                   A. (Witness complies.)

23                   I have.

24                   Q. Is what has been marked as Exhibit 6

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1 the first written request for accommodation you  
2 submitted?

3 A. Yes, sir.

4 Q. And is the request that is reflected  
5 in Exhibit 6 an accommodation for the nerve damage  
6 and edema that you had been asking for an  
7 accommodation for since 2014?

8 A. Yes, sir.

9 Q. Is the accommodation that you  
10 requested in the document marked as Exhibit 6 the  
11 exclusive assignment to Terminal B?

12 A. Yes, it does say that.

13 Q. That is the same accommodation that  
14 you had been requesting since 2014?

15 A. Yes, sir. It looks like it.

16 Q. It looks like all the writing on  
17 Exhibit 6 with the exception of the healthcare  
18 providers' information and signature is your  
19 handwriting; is that right?

20 A. That is correct. That was taken off  
21 of my -- that was taken off of my -- all of the  
22 pathology reports and everything from the  
23 University of Pennsylvania. This is what I did so  
24 that I didn't tie up my physician. So, I would

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1 give it to the girls filled out -- my doctors loved  
2 it -- they would go over all the information and  
3 then they would sign it or they would not. They  
4 would make an adjustment. But everything came off  
5 of what had happened.

6 Q. Right. So, you filled out this form?

7 A. I did fill out this form.

8 Q. And the limitation that your doctor  
9 certified was with respect to excessive walking and  
10 heat; is that correct?

11 A. That is right. Because of the edema  
12 when you have excessive heat, especially in the  
13 summertime, the edema does affect it.

14 Q. Other than meeting -- did you have  
15 occasion to need to be outside for your job  
16 responsibilities?

17 A. The only thing that I had to do to be  
18 outside of my job responsibilities was to meet an  
19 airplane on the jetway. That was it.

20 Q. You weren't asking to be excused from  
21 meeting airplanes on the jetway, were you?

22 A. No, absolutely not. I could do all  
23 of my functions. Every single thing I could do. I  
24 just didn't want all of that walking. I didn't ask

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1 for anybody to lift anything. I didn't ask anybody  
2 for anything.

3 Q. When you say you didn't want to do in  
4 terms of walking, it was walking from Terminal B to  
5 Terminal C?

6 A. Only because that is where we checked  
7 in, right. That was it.

8 Q. That was the excessive walking,  
9 right, from Terminal B to Terminal C?

10 A. Right. Well, it was all the way at  
11 the end of C. That is the problem. Now, sometimes  
12 I would be -- because at the top of C Terminal you  
13 have 16, 17, 18. You have the gates up there. I  
14 was really good on big, heavy airplanes. So, I  
15 would sometimes -- a lot of times, actually -- I  
16 would be given heavy flights.

17 But, again, body for body. There is  
18 there is no difference. It didn't matter.

19 Q. Yes, I am just -- so, you filled this  
20 out. I just want to make sure I understand when  
21 you wrote excessive walking was your limitation?

22 A. It was excessive walking.

23 Q. What you meant was the walk from  
24 where you had to check in at the B Terminal to the

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1 C -- to the gate to the C Terminal?

2 A. Right.

3 Q. Because you had told me earlier if  
4 you knew you were assigned to C and could get off  
5 the said shuttle bus at C Terminal, that wouldn't  
6 be excessive walking?

7 A. Well, no, because all I would have to  
8 do -- if they had allowed me to pick up a phone and  
9 call and if they were to say to me, your gate  
10 assignment is C26 --

11 Q. No problem?

12 A. -- no problem. That would be  
13 fantastic.

14 Q. And no one told you that you weren't  
15 allowed to call the office for your gate  
16 assignment, right?

17 A. No, it wasn't done except when people  
18 were running late. Because -- because we had  
19 briefings in the morning. Nine times out of ten,  
20 we had briefings in the morning.

21 Q. Hold on a second. Because I asked  
22 you this question earlier. I asked you what else  
23 you had to do besides go in there and get your gate  
24 assignment, and you told me there wasn't anything

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1 discussion about this situation. And I may have  
2 very well have gotten a letter in the mail. Very  
3 good chance that I got a letter in the mail. Well,  
4 obviously, I did get a letter in the mail, but my  
5 conversations with Naomi were face to face.

6 Q. Okay. During the conversations that  
7 you had with Naomi, did you discuss the concept of  
8 using your seniority to bid into a different  
9 customer service function that would not require  
10 excessive walking?

11 A. Absolutely not. And there was no  
12 reason to because what I was asking for was  
13 nothing.

14 Q. That is not my question.

15 A. No, I didn't. I didn't discuss it  
16 with her, no. No. Bob Purey, yes.

17 (Exhibit Koslosky 7, Letter, was marked for  
18 identification.)

19 BY MR. FARRINGTON:

20 Q. You've been handed Exhibit 7. Can  
21 you confirm that this is an August 22, 2016 letter  
22 from Naomi Postlewait?

23 A. I can.

24 Q. And did you receive this by mail?

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1 had been denied?

2 A. After she told me.

3 Q. That was your response?

4 A. I wasn't being snarky. The point I  
5 am trying to make is nobody can plead your case  
6 better than yourself. So, that is why I decided to  
7 see Beth.

8 Q. So, during any of your conversations  
9 with Naomi, did you discuss or did Naomi suggest  
10 that you bid into a function that did not require  
11 excessive walking?

12 A. But the job that I had already did  
13 not require excessive walking.

14 Q. That wasn't my question.

15 A. The question was I don't believe that  
16 she did, but there is a possibility that she may.

17 Q. I think I understand what you are  
18 saying. You are saying that is not something that  
19 you would have considered if it had been raised  
20 with you; is that correct?

21 A. That is absolutely correct. I never  
22 would have considered that. Because what I was  
23 asking -- am I allowed to speak? Am I allowed? I  
24 don't want to interrupt you. I am trying to be

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1 good. I am trying. He gave me a lecture about  
2 that, by the way. No. No.

3 Q. You are saying no, you would not have  
4 considered --

5 A. I absolutely would not have  
6 considered that. There is a reason I would not  
7 have considered that.

8 Q. What is the reason?

9 A. I don't even know if we are there  
10 yet. Are we going to go there?

11 Q. To where?

12 A. To Beth Norton. Are we there yet?  
13 In other words, you have a format that you want to  
14 follow. I don't want to, you know, go off on a --  
15 if you want to address something.

16 Q. Yes --

17 A. Because we can go there, because that  
18 was the next step was Beth Norton.

19 Q. I am anticipating we are going to get  
20 there pretty soon.

21 A. Okay.

22 Q. I was just trying to understand the  
23 conversation that may or may not have happened with  
24 you and Naomi about bidding into a CSA function

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1 services is under, I believe, the ticket counter.  
2 I believe. I didn't say that?

3 Q. I think you said you thought it was,  
4 but you didn't know.

5 A. I am not absolutely sure. They were  
6 taking me out of my area of expertise for no  
7 reason.

8 Q. Well, nobody took you out of your  
9 area of expertise.

10 A. No, they didn't. They didn't, thank  
11 God.

12 Q. I'd like to continue on the timeline,  
13 but I just want to make sure we are on the same  
14 page, that working at the ticket counter would not  
15 require excessive walking.

16 A. It does not require excessive  
17 walking, not at all. Excessive standing. You are  
18 standing for eight hours a day, seven hours a day.

19 Q. Your accommodation request didn't  
20 mention you had any problems with standing?

21 A. No, it didn't. That is exactly right  
22 because the reason is when I work the gates, I have  
23 the opportunity to sit down.

24 Q. You can agree American Airlines can

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1 only rely on the information your doctor submitted,  
2 right?

3 A. Oh, of course. I am saying on a  
4 personal level, it afforded me the opportunity to  
5 sit down. That was just a luxury that came with  
6 the gate position.

7 Q. And re-check would not require  
8 excessive walking, would it?

9 A. I don't believe it would. No, not at  
10 all. Uh-uh.

11 Q. Special services, that is a sedentary  
12 position?

13 A. You are sitting all day. Absolutely.

14 Q. Special services wouldn't require  
15 excessive walking?

16 A. That is correct.

17 Q. And working in POC, would that  
18 require excessive walking?

19 A. Yes, it could.

20 Q. If you were a runner?

21 A. See, you know our job better than you  
22 are leading on to. That is absolutely correct.  
23 However, from what I --

24 Q. Please. Go ahead.

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1           A.     From what I understand, that is -- I  
2 think that is on a rotating level. Rotating, is  
3 that correct, they do that on a rotation?

4           Q.     Well, my understanding is that it is  
5 voluntary and that it's not -- if someone doesn't  
6 volunteer for it, then it is on a rotation.

7           A.     Got it. See, I did not know that.  
8 But I did know, from what I heard from POC agents  
9 that we ran into, everything was on a rotation.  
10 So -- but it could have changed.

11          Q.     If you were working in POC and did  
12 not have runner responsibilities, that wouldn't  
13 require excessive walking, right?

14          A.     Absolutely. That is absolutely  
15 correct.

16          Q.     Okay. So, we have gotten --

17          A.     And --

18          Q.     Was there anything you needed to  
19 clarify?

20          A.     No.

21          Q.     So, we've gotten up to Naomi telling  
22 you sometime in or around August of 2016 that  
23 American Airlines was not going to grant the  
24 accommodation request of exclusively working gates

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1       in the B Terminal?

2           A.     That is correct. Obviously.

3           Q.     And your response to that was to  
4 approach Beth Norton; is that correct?

5           A.     Right. Right.

6           Q.     How long after Naomi told you that  
7 the request was denied did you approach Beth?

8           A.     I would say it was relatively soon.  
9 I don't know the dates. I cannot tell you dates.  
10 Maybe --

11          Q.     Within a week or so?

12          A.     I would say probably less than a  
13 week.

14          Q.     And how did you -- did you have a  
15 meeting with Beth?

16          A.     I did.

17          Q.     How did you get around to that  
18 meeting?

19          A.     Well, her office at the time was  
20 under B6. And I called -- I think I stopped by. I  
21 think I stopped by. I think I stopped by, and I  
22 said, you know, is there any chance that I could  
23 see Beth, and I think that her secretary set up a  
24 time that she was available to see her. And I did.

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1 And I went and saw her.

2 Q. And how many meetings did you have  
3 with Beth about your accommodation request?

4 A. Just one. That was all it took.

5 Q. Was that meeting in Beth's office?

6 A. That was in Beth's office -- in her  
7 old office.

8 Q. Who was present for the meeting?

9 A. Just she and I.

10 Q. How long did the meeting last?

11 A. 30 minutes -- less than 30 minutes.

12 And I just want to preface this, is that I am -- I  
13 was very foolish not to take a union representative  
14 with me. I trusted my director. I trusted her,  
15 and so it was just she and I.

16 Q. Okay. And, so, presumably, you told  
17 her about the accommodation, and Naomi had denied  
18 it?

19 A. I did. It was great. It was a great  
20 little meeting, very quick.

21 Q. Tell me what you remember about it.

22 A. I remember a lot about it. I was  
23 sitting in a chair. She was sitting at her desk.  
24 I went over the accommodation. I said, you know --

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1 and I explained everything that I explained to you  
2 that, you know, it's the excessive walking. I  
3 showed her the surgery pictures. We talked about  
4 the picture of the dog on her wall. And she was an  
5 Irish girl, I am an Irish girl, so, you know, I  
6 said -- I told her, I said, I don't care where you  
7 put me. I know I am being -- I am just repeating  
8 myself over and over. I am sorry.

9 I said, I don't care where you put  
10 me. I don't care. I am a gate agent. I am a  
11 really good gate agent. Anywhere on B. Doesn't  
12 matter to me. Just don't have me do all that  
13 excessive walking. And at the end of -- during the  
14 midst of the conversation she said to me -- I  
15 remember she adjusted herself in the chair. I  
16 remember her adjusting herself in the chair. She  
17 said, well, that is not exactly how Naomi explained  
18 it to me. And she said to me -- and I said to her  
19 that is why I decided to come down and talk to you  
20 directly. And she stood up and she said, Colleen,  
21 this is not unreasonable. What you are asking for  
22 is not unreasonable. And she was very formal about  
23 the way that she said it. She said, I will grant  
24 this accommodation.

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1 to see you in her office.

2 Q. Did you realize within a week of your  
3 meeting with Beth Norton that your request to be  
4 assigned exclusively to Terminal B was not, in  
5 fact, being accommodated?

6 A. I kind of figured that out. Now, I  
7 am at my wits' end. I am out of my mind because  
8 now --

9 Q. I just want to get the timing down.

10 A. Yes. I would probably say in less  
11 than a week that there was definitely -- there was  
12 something going on. I don't know what it was. I  
13 hadn't a clue. I had an inkling based upon what  
14 was said to me.

15 But you have to understand something,  
16 Larry had -- he had utter and complete disdain for  
17 me. I mean, this is a man, as I've said to you  
18 before, who said to me when I walked into the B4  
19 office to drop off the end of the day's  
20 paperwork -- this is a man that said to me in  
21 front -- and I can't tell you who saw it because it  
22 was all new hires, they were all fresh faces -- who  
23 said to me -- I didn't say anything, I just walked  
24 in the door and he said, one day I am going to see

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1 Q. Okay. I want to respect your  
2 request for lunch.

3 A. Well, if you want to keep going, I  
4 will keep going.

5 MR. FARRINGTON: We will take a break  
6 for lunch. I want to respect that, and we will  
7 take a break. I want to make sure I -- we are  
8 going to pick up on the timeline where we left off,  
9 which was you realizing that the accommodation you  
10 thought Beth had granted was not, in fact, being  
11 implemented, and I believe that was sometime around  
12 the end of August 2016, correct?

13 THE WITNESS: Yes. I do believe that  
14 is true.

15 MR. FARRINGTON: Okay. We will pick  
16 up there.

17 THE WITNESS: Okay. Lunch break.

18 (Break taken.)

19 BY MR. FARRINGTON:

20 Q. We are back on the record after a  
21 lunch break. Were you able to get something to eat  
22 or do whatever you wanted during lunch?

23 A. Yes, sir, I was.

24 Q. So, where we left off was you

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1 realized around the end of August 2016, that  
2 despite Beth Norton telling you your request to  
3 work exclusively on Terminal B was granted that, in  
4 fact, it had not been granted.

5 A. Well, the paperwork to approve it,  
6 she didn't fulfill. She didn't give the okay for  
7 it to go forward.

8 Q. Right. You got a letter from Naomi  
9 Postlewait saying the request was denied. You had  
10 a conversation with Beth that left you with the  
11 impression that she had changed her mind. And  
12 then, you described the circumstances under which  
13 you quickly realized that request had not, in fact,  
14 been granted?

15 A. That is correct.

16 (Exhibit Koslosky 8, Reasonable Request  
17 Accommodation, was marked for identification.)

18 BY MR. FARRINGTON:

19 Q. You've been handed a document that  
20 has been marked as Exhibit 8. Can you confirm this  
21 is a second Reasonable Accommodation Request form  
22 that you submitted in July of 2017?

23 A. Yes, sir.

24 Q. All right. What happened between

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1 Q. So, let's get the timeline down  
2 because I think that e-mail occurred after your  
3 second written request for accommodation was  
4 denied?

5 A. It did.

Q. Let's break this into --

## A. Sections.

Q. -- bite-sized pieces, okay.

9 So, turning back to Exhibit 8, this  
10 is the second and last written Reasonable  
11 Accommodation Form that you submitted, right?

12 A. That is right.

13 Q. And what you -- the disability that  
14 you were attempting to -- that were -- strike that.

15 The disability that you were  
16 requesting an accommodation for is the same  
17 disability that you were requesting an  
18 accommodation for --

19 A. Originally, I guess.

Q. -- in the document that was marked as  
Exhibit 6, right?

A. That is correct.

23 Q. In the accommodation you were  
24 requesting in the form that you submitted that has

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1       been marked as Exhibit 8, it's the same  
2       accommodation that you were requesting in the form  
3       that was marked as Exhibit 6, right?

4           A.     Yes, sir.

5           Q.     And it is the same disability and  
6       same accommodation request that you had been asking  
7       for since 2014?

8           A.     Yes, sir.

9           Q.     Who filled out the form that has been  
10      marked as Exhibit 8?

11          A.     This was filled out by a nurse. This  
12      was filled out -- my sister Heather filled this  
13      out. My sister is a nurse. I filled this out for  
14      Dr. O'Brien, and I brought this to her office. I  
15      had an appointment with her. And she looked -- I  
16      had an examination. She was working on my hips,  
17      and she knew everything that was going on. Doctor  
18      -- she knew everything from the beginning,  
19      everything.

20                   And she looked over it, and she said  
21      this is -- this is actually better than what any of  
22      my people can write, and she signed it.

23          Q.     So, your sister filled out the form,  
24      and Dr. O'Brien signed it?

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1 no way -- I was spinning my wheels again. So,  
2 anyway -- okay.

3 Q. So, you spoke to Bob Yuri by phone  
4 about your accommodation request, correct?

5 A. I did talk to Bob Yuri on the phone  
6 to answer your question that you originally asked.  
7 I did. I am sorry.

8 Q. And when you spoke to Mr. Yuri by  
9 phone --

10 A. Yes.

11 Q. -- did you discuss with him the idea  
12 of bidding into another customer service function  
13 that would not require long-distance walking?

14 A. He brought it up. It was -- and I  
15 knew exactly what was happening. It was so  
16 ridiculous. I was being circumvented at every  
17 single turn. Again. Again, what I was asking for  
18 as was told to me by a vice-president was nothing,  
19 and consequently, he brought it up. He brought up  
20 the fact that, well, Beth is going to take you off  
21 the gates, and she is going to put you into POC or  
22 the ticket counter. And I said, why would you ever  
23 do that? I am not asking for anything. I am just  
24 asking to get my schedule, walk upstairs, go to my

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1 gate, and stay there or in the general area. I was  
2 not one to walk all over the airport. It wasn't  
3 happening.

4 And then he proceeds to tell me,  
5 well, we are giving you what you want, it is  
6 just -- we are giving you -- I can't word it  
7 properly. We are giving you what you want or  
8 something to the effect of we are trying to  
9 accommodate you, but it is just not what you want.

10 And I said, no, you don't understand.  
11 What I am asking -- why would you take somebody who  
12 is a flipping superstar on the gates, take her off  
13 the gates when all I am asking -- that is it -- I  
14 am not asking for anybody to help me -- why would  
15 you take me off the gates to take me and put me  
16 into training for however long, two, four, six  
17 weeks when all you have to do is say put her  
18 somewhere on B. That is all you have to do. I  
19 don't care what you do. They were circumventing  
20 me. It was so obvious. So --

21 Q. Go --

22 A. Go ahead. No.

23 Q. I just want to circle back to  
24 something you said. So, when Bob raised the idea

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1 of moving to you a customer service function that  
2 did not require long-distance walking or excess  
3 heat?

4 A. Right.

5 Q. He told you that for any function  
6 that you weren't then presently trained in, the  
7 company would provide training?

8 A. They would provide training, but that  
9 was my argument. I said, why would you take -- I  
10 am not asking for anything. I am asking just to  
11 put her on any gate on B, doesn't matter where it  
12 is. I am not going anywhere. I am not walking the  
13 airport. I am not going over to C Concourse to my  
14 favorite restaurant. I am not doing -- okay.

15 Q. I understand that you rejected the  
16 idea.

17 A. I did reject it.

18 Q. You rejected the idea of taking  
19 another customer service function, one that would  
20 not require long-distance walking, correct?

21 A. That is correct. However, I want to  
22 also say, if I may -- Why? What was Beth doing?  
23 Why was she doing this? What I was asking for was  
24 nothing. Why did she flat-out deny our meeting,

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1 accommodating me to accommodate me because -- they  
2 were circumventing me staying on the gate when  
3 there was no reason to circumvent me. I wasn't  
4 asking for anything except to stay on the gates.  
5 That is it. That is all I was asking for. And  
6 remember, we are just talking a body for a body.  
7 That is all we are doing.

8 (Exhibit Koslosky 9, E-Mail, was marked for  
9 identification.)

10 BY MR. FARRINGTON:

11 Q. I have handed you Exhibit 9, a  
12 two-page exhibit. The first page is Bob Yuri's  
13 July 26, 2017 e-mail to you and an attachment,  
14 which is the second page, on July 25, 2017, a  
15 letter on American Airlines letterhead, correct?

16 A. Yes, sir that is correct.

17 Q. And you received the documents that  
18 have been marked as Exhibit 9 on or about July 26,  
19 2017?

20 A. Yes, sir.

21 Q. In the e-mail, the written response  
22 to your accommodation request was that the request  
23 to work exclusively on Concourse B was denied,  
24 right?

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1 appeasing. I said Beth, I am so sorry. I didn't  
2 realize that American Airlines did everything via  
3 e-mail. That was my circumventing. That was my  
4 deflection. And I was just waiting for those  
5 words. I said Beth, did I get the accommodation?  
6 Did you approve -- did you -- did you approve the  
7 accommodation? And she said, yes, I have approved  
8 it. I knew Olympia approved it. She was making  
9 Beth call because she's the one that was  
10 circumventing for me for almost two years.

11 Q. You do understand that Olympia  
12 approved the accommodation request ultimately,  
13 right?

14 A. I do. I do. She did approve it.  
15 And if you look at the e-mails that Olympia and I  
16 shared back and forth, I was -- I was so grateful  
17 to her. I mean, it was over, and it was done. I  
18 had my protection. He couldn't hurt me anymore. I  
19 could go and do my job. I could clean my gate and  
20 clean my drawers and vacuum my jetway. It was  
21 over. It was done for me.

22 Q. What --

23 A. But I just -- oh, then -- and then  
24 she friend-requested me on Facebook, which is the

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1 Theresa's name -- Theresa came up to me, and said I  
2 saw it. She said, you got your accommodation.

3 I said, I know. I can come back to  
4 work again. I can't believe it. He can't bother  
5 me anymore. I am done. It is over.

6 Q. And from -- I can tell you --

7 A. May I ask a question if you don't  
8 mind? Did that e-mail, did that go out to  
9 supervisors only?

10 MR. FARRINGTON: Mr. Koller can share  
11 the e-mail with you.

12 THE WITNESS: Okay.

13 BY MR. FARRINGTON:

14 Q. From the phone call you received from  
15 Beth notifying you that you would be assigned  
16 exclusively to Terminal B through the end of your  
17 employment, were you assigned to Terminal B  
18 exclusively?

19 A. I sure was. It was fabulous.

20 Q. After you received the call saying  
21 you were going to be assigned to Terminal B through  
22 your termination date, did you have any other  
23 discussions at work about your accommodation?

24 A. No. It was just simple

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                   - - -  
4           COLLEEN KOSLOSKY : CIVIL ACTION  
5                         Plaintiff :  
6                         :  
7           vs. :  
8                         :  
9                         :  
10           AMERICAN AIRLINES, INC. :  
11                         Defendant : NO. 2:18-cv-04654-PD  
12                   - - -  
13                   Tuesday, May 7, 2019  
14                   - - -  
15                   VOLUME II  
16                   - - -  
17                   Oral deposition of COLLEEN KOSLOSKY,  
18                   taken at the offices of Veritext Legal Solutions,  
19                   Mid-Atlantic Region, 1801 Market Street,  
20                   Suite 1800, Philadelphia, Pennsylvania 19103,  
21                   commencing at 3:54 p.m. before Adrienne L.  
22                   O'Brien, Court Reporter and Notary Public.  
23                   - - -  
24                   VERITEXT LEGAL SOLUTIONS  
                     MID-ATLANTIC REGION  
                     1801 Market Street, Suite 1800  
                     Philadelphia, Pennsylvania 19103

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24

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1

- - -

2

COLLEEN KOSLOSKY, after having  
been previously duly sworn/affirmed, was examined  
and testified as follows:

5

- - -

6

EXAMINATION

7

- - -

8

BY MR. FARRINGTON:

9

10

Q. You were suspended from work in  
September of 2017, correct?

11

A. I was.

12

13

14

Q. All right. And at the time of  
your suspension, you had a Facebook account,  
correct?

15

A. And I still do, yes, sir.

16

17

18

Q. And at the time you were suspended  
or at least immediately before then, your Facebook  
account was open to the public, correct?

19

A. Totally open to the public.

20

21

22

Q. There are options that allow  
Facebook users to choose who can or can't see  
their information, correct?

23

A. Right. That is correct, yes.

24

Q. And you elected to set your

COLLEEN KOSLOSKY

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1 Q. Okay. You're not suggesting that  
2 Facebook users couldn't tell that you worked for  
3 American Airlines, are you?

4 A. No, they -- well, if you were just  
5 scrolling down, you would never know I worked for  
6 American, ever.

7 - - -

8 (Whereupon, the document was  
9 marked, for identification purposes, as Exhibit  
10 Koslosky-11.)

11 - - -

12 BY MR. FARRINGTON:

13 Q. I'm handing you Exhibit-11.

14 A. Okay.

15 Q. Exhibit-11 is a Facebook post that  
16 you made on January 17th, 2017, correct?

17 A. Is it 2017? I don't know.

18 Q. Well, it's your post. You wrote,  
19 quote --

20 A. Well, yeah, I know. It was so  
21 exciting. Is it --

22 Q. Let me finish my question.

23 A. Okay. I'm just trying to...

24 Q. So, you wrote, quote, Holy Shit!

COLLEEN KOSLOSKY

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1 Look what I just found in my company e-mail!!

2 A. Uh-huh.

3 Q. And then you attached to that a  
4 message from Doug Parker dated January 17th, 2017,  
5 with the American Airlines logo, correct?

6 A. Oh, absolutely.

7 Q. Do you agree that anyone looking  
8 at this post could tell that you were an American  
9 Airline employee?

10 A. If -- can I expand?

11 Q. Can you answer my question first?

12 A. Yes, if they went digging real,  
13 real, real, real deep. There was nothing. The  
14 normal person that goes through Facebook would  
15 never have known, ever would have known. They  
16 would have had to have spent hours and hours and  
17 probably days, to tell you the truth, to go  
18 through to find that posting. There was nothing.  
19 If you were to go through -- if you were to -- if  
20 you were just scrolling through and saw my name,  
21 you never would have known who I worked for, ever,  
22 except for this (indicating), which was --

23 Q. Right. "This" being Exhibit-11?

24 A. Yes, exactly.

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1 Q. And anyone who saw Exhibit-11  
2 could tell you worked for American Airlines,  
3 right?

4 A. Right, and I forwarded it to all  
5 of these employees.

6 Q. And you were friends with American  
7 Airlines' coworkers on Facebook, correct?

8 A. I was.

9 Q. Approximately how many?

10 A. Well, I'm going to have to -- just  
11 to expand, I was friends with -- now with -- now  
12 looking at it past that initial report, probably  
13 about 85 or 95 people.

14 Q. Coworkers?

15 A. Yeah.

16 Q. In September of 2017?

17 A. Absolutely.

18 Q. And they all knew you worked for  
19 American Airlines, right?

20 A. Well, we all knew each other  
21 worked for American Airlines, yeah.  
22 - - -

23 (Whereupon, the document was  
24 marked, for identification purposes, as Exhibit

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1 Koslosky-12.)

2 - - -

3 BY MR. FARRINGTON:

4 Q. I'm handing you what's been marked  
5 as Deposition Exhibit-12. It's Bates labeled  
6 American 401. This is something that you posted  
7 to Facebook, correct?

8 A. Absolutely, I did.

9 Q. And we're going to have it as an  
10 exhibit, so I see no reason to read it into the  
11 record. Can you explain to me why you posted  
12 what's been marked as Exhibit-12?

13 A. I can explain it. All of this  
14 fiasco started during the NFL's kneeling during  
15 the National Anthem. This was a paraphrase that I  
16 lifted from Dan Pflaum from a gentleman by the  
17 name of -- who originally said it, this -- who was  
18 Professor Walter Williams. Professor Walter  
19 Williams is a Professor of Economics out of George  
20 Mason University -- I sent David the original  
21 article -- and that was it. It was -- it was  
22 poignant. I thought it was very poignant. I was  
23 thinking of my ancestors, you know. I was  
24 thinking about these spoiled brat NFL players who

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1 time 1,100, had anything to say about it.  
2 Nothing. They thought -- they understood exactly  
3 what -- where it was coming from. But that's my  
4 point. You can't have a knee-jerk reaction about  
5 things unless you know where they're coming from.

6 And that's exactly what this kid  
7 did, this Jacob Marrero who is in Philadelphia --  
8 well, I'll let you go through that. I'm not going  
9 to -- you can go through that at your leisure.

10 (Indicating.) What he did -- and he's a punk. I  
11 don't know him. I've only spoken to him one time  
12 on the telephone, and that's when he was our -- he  
13 was part of the Union Executive Board years and  
14 years ago. He took this post that he knew nothing  
15 about, he didn't know the origins, where it came  
16 from, who wrote it, where the article -- he knew  
17 nothing. He took that post and others -- they  
18 cherry-picked them. They went through the posts,  
19 and they -- he shared them with the entire  
20 company. He forwarded this to everybody.

21 (Indicating.)

22 Then what wound up happening --  
23 okay. Do you have any other questions about this,  
24 or do you want me to continue on? (Indicating.)

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1 was picked up by a twice terminated American  
2 Airlines' employee by the name of Ty Maddox. It's  
3 all in here. (Indicating.) I don't know Ty  
4 Maddox. The only reason I know the name Ty Maddox  
5 is because of Ty Maddox at work. Ty Maddox --

6 MR. KOLLER: Wait. I just need to  
7 interrupt because Dan's question to you was did  
8 you write the post because it was poignant.

9 THE WITNESS: I did write this --

10 MR. KOLLER: I know, but you've  
11 got to listen to my point.

12 THE WITNESS: All right.

13 MR. KOLLER: I think you answered  
14 the question five minutes ago. So, stop and let  
15 him ask the next question.

16 THE WITNESS: I'm sorry, excuse  
17 me.

18 MR. KOLLER: And just focus on his  
19 question and answer his question.

20 THE WITNESS: I will. I'm sorry.

21 BY MR. FARRINGTON:

22 Q. Do you understand how saying black  
23 Americans should get down on their knees and give  
24 thanks that their ancestors were brought here as

COLLEEN KOSLOSKY

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1 slaves could be interpreted as racially  
2 insensitive?

3 A. Not if somebody knew where it  
4 originally came from, not if they knew originally  
5 where it came from. I was crucified based on  
6 things that people don't know. He could have  
7 asked me about it. Because I said to him, I said,  
8 have you lost your mind? Reread it. Reread it.  
9 Reread what it says. This was all about the NFL  
10 players. That's all it was. That's all it was.  
11 It was just about being grateful for being in this  
12 country. That's it.

13 Q. So, no, you don't understand how  
14 this could be interpreted to be racially  
15 insensitive?

16 A. I guess if somebody was looking  
17 for racism, yeah.

18 Q. And I don't want to jump ahead --

19 A. No, it's okay.

20 Q. -- we're going to talk about the  
21 complaints that this post and others --

22 A. Oh, you bet.

23 Q. -- generated.

24 A. Uh-huh.

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1 Q. You're aware that they generated a  
2 significant volume of complaints, right?

3 A. Well, yeah, and we're going to  
4 tell you how it got to that point.

5 Q. Okay. Do you have an explanation  
6 for why so many people interpreted this post to be  
7 racist in nature?

8 A. Yes, I do, because of the way  
9 Jacob spun it. He was the one that saw it. He  
10 was the one that opted to tag everybody and to  
11 forward it to everybody. It was the way that it  
12 was spun. And if you get to learn about Jacob  
13 Marrero, you will understand that everything is  
14 race related. There isn't a thing that's race  
15 related. There was no malice in this. There was  
16 no laughing about this. This was -- I knew  
17 exactly where it came from. So -- and again, to  
18 reiterate, so did other people, Walter Williams,  
19 Walter Williams said that, that sounds just like  
20 Walter Williams.

21 So, I don't have knee-jerk  
22 reactions. When I read something, I don't just  
23 have a knee-jerk reaction. I want to understand  
24 about it, so -- or where it came from or what did

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1 you mean by that. But that's not what Jacob did.  
2 What Jacob did is he spun it and shared it with  
3 every flipping employee he had, he -- and friends  
4 and nonemployees. I mean, he shared it far and  
5 wide.

6 Q. So, your view is that without  
7 spin, just looking at the post that's been marked  
8 as Exhibit-12 in isolation, no reasonable person  
9 could view that as racially insensitive?

10 A. Well, nobody that I knew did. And  
11 my -- I've got -- I have Hispanic, black, Latino,  
12 there was not one person, not one, that had a  
13 problem with that. Not one person had a problem  
14 with that because they understood it. They  
15 understood what they were -- what he was saying.  
16 But Jacob twists everything. He's -- look, I'm  
17 not trying to deflect, I'm am not. I'm not trying  
18 to say -- but you don't take something that you  
19 don't understand or at least question it, well,  
20 what did you mean by that, I don't understand what  
21 you mean by that, and share it with the entire  
22 company. Are you kidding me? I went viral. I  
23 went all over the world.

24 This was -- oh, my God. It's --

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1 I don't know these people. I don't know any of  
2 these people. I may know maybe ten of them, but I  
3 don't know any of these people. They were out to  
4 destroy me based on something that they didn't  
5 understand or something that they didn't know.  
6 That -- I can't be responsible for that.

7 If he had an issue with me, he  
8 should have messaged me and we could have had a  
9 discussion, but if he -- this went all over the  
10 world. He put -- it was Ty Maddox that actually  
11 made it go viral and employees that were egging  
12 them on to make it go viral because they didn't  
13 understand. And if you read the responses to this  
14 from other people, my friends, not posts that kind  
15 of got a little crazy, there's nothing. There is  
16 absolutely nothing. There's nothing there.

17 Q. Okay. So, your view is that  
18 anyone who views the post that's been marked as  
19 Exhibit-12 as racially insensitive just doesn't  
20 understand it?

21 A. They don't know where it came  
22 from. You have to know where it came from. That  
23 was my argument to him. You don't know where  
24 this -- you don't understand where this came from.

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1 great cops out there. So, this had nothing to do  
2 with my coworkers, nothing, but Jacob -- Jacob  
3 took it and he spun it.

4 Again, none of the people that  
5 were on my Facebook page, none of them took  
6 offense to it because they understood that it was  
7 true. That's it. I can't be responsible for how  
8 people feel, as they can't be responsible for  
9 what -- how I feel. But I'm not going to destroy  
10 your life, your career, I'm not going to destroy  
11 it. I'm going to shrug my shoulders and move on  
12 because I have a nice relationship with them. I  
13 don't even know Jacob. I don't know this guy. I  
14 don't know the people that reported it. Because  
15 this is what he does. And I will show you proof  
16 of that, what he's always done.

17 Q. So, what is your explanation for  
18 why people interpreted the post that's been marked  
19 as Exhibit-13 as racist and complained about it?

20 A. Because -- I believe because of  
21 the way that he spun it. The person that put --  
22 collaged these posts -- he took -- cherry-picked  
23 them, cherry-picked them, collaged the posts  
24 and put them on the official American Airlines

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1 Facebook and Twitter page, the official -- yeah,  
2 both of them. He pretended to be a passenger. He  
3 had been terminated once in Philadelphia. He had  
4 been terminated once in Miami. And then there's  
5 this Rachel McCray and she was another one that  
6 put them on the Twitter page, my name, my face, my  
7 base, everything.

8                   And it -- Ty Maddox had a score to  
9 settle with American, didn't he? He had a score  
10 to settle, and he did. And I was worried -- when  
11 I got ahold of Olympia when these animals -- these  
12 animals were all over me over nothing, nothing, I  
13 wasn't attacking anything, I was worried about the  
14 brand. I was worried about the brand because I  
15 knew what he was doing. I knew what Ty Maddox was  
16 doing because I knew that he had been terminated  
17 twice. I found that out. I knew he was -- he was  
18 trying to hurt the airline. I knew he was trying  
19 to hurt the airline. There was nothing I could  
20 do. It was -- it was out of control at that point  
21 because of what Jacob Marrero did. And I'm  
22 scrambling because I'm thinking to myself, oh, my  
23 God, what are they doing to American. That is not  
24 to say that I wasn't concerned about myself

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1           A.       If they're looking for it.  If  
2 they're looking for it.  If they're looking for  
3 it.  That was not the intention.  I am not  
4 responsible for what people think or they see.  
5 I'm sorry.  I'm not responsible.  If they're  
6 looking for racism, they're going to find it.  
7 This was a basketball team that was rescinded.  I  
8 happen to think that the president handled it well  
9 because I would have done the same thing, but that  
10 doesn't have anything to do with my coworkers.  
11 I'm sorry that they feel that way.  It's crazy.

12                 - - -

13                 (Whereupon, the document was  
14 marked, for identification purposes, as Exhibit  
15 Koslosky-15.)

16                 - - -

17                 THE WITNESS:  Is that -- I love  
18 that shirt.

19 BY MR. FARRINGTON:

20                 Q.       I'm handing you Exhibit-15 --

21                 A.       Uh-huh.

22                 Q.       -- which is a picture of a shirt  
23 on which there is a drawing of a stalk of cotton  
24 and the words "Have you lost your cotton pickin'

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1 mind?" Correct?

2 A. Right.

3 Q. And is that something that you  
4 posted to Facebook?

5 A. I sure did. I just love that  
6 shirt.

7 Q. To this day, you still love it?

8 A. I do love it. I actually bought  
9 the plaque. It's adorable. It's so cute. You  
10 can buy this on eBay. I mean, this is ridiculous.  
11 I mean, come on. I mean, you know, this is  
12 ridiculous. It's a flipping shirt. It's  
13 adorable. It's so cute. And you could buy this  
14 stuff on eBay, eBay. (Indicating.)

15 Q. What are you proving to me by  
16 showing me you can buy it on eBay?

17 A. I'm just proving that this is  
18 nothing. It's just a shirt. It's just a cute,  
19 adorable shirt. It's a shirt from -- the big  
20 thing right now is the farmhouse motif within --  
21 you know, within a home. That's -- that is --  
22 it's just a cute little shirt. That's all it was.

23 Q. Did you post what's been marked as  
24 Exhibit-15 in response to the NFL kneeling

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1 Baltimore, I know that you heard this your whole  
2 life. It's nothing. It's no big deal. And I saw  
3 it, and I thought, oh, my God, isn't that the  
4 truth, isn't that the truth. Everybody is losing  
5 their mind. And I just saw it and I posted it.  
6 It was nothing. It's just a shirt.

7 Q. Do you understand how the post  
8 that's been marked as Exhibit-15 could be  
9 interpreted to be racially insensitive?

10 A. Absolutely not, only for somebody  
11 that's looking for -- looking for something to be  
12 race related. This is an adorable shirt. It's  
13 nothing. It's a shirt, for crying out loud. Many  
14 Americans have picked cotton, if that's what  
15 you're implying. People came over from Italy and  
16 they picked cotton. This is just a flipping  
17 little shirt. If you walk into Hobby Lobby, if  
18 you walk into Michael's, if you walk into --  
19 what's the other one, I can't think of it, the  
20 other hobby store, you'll see this all over the  
21 place. It's adorable. There's nothing wrong with  
22 it. But it's the person who is looking for  
23 anything. That's silly. It's a shirt.

- - -

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4

- - -

5 BY MR. FARRINGTON:

6 Q. I'm handing you what's been marked  
7 as Exhibit-16. Is Exhibit-16 a post that you made  
8 to Facebook?

9

A. I did.

10

Q. And the post says, "We are losing  
Blue Eyed People. Too many are reproducing with  
Brown Eyed People. This is true."

13

A. Uh-huh.

14

Q. "So Blue Eyed People...UNITE!"

15

15                   A.         Exactly. I did post that. And it  
16 was funny because -- everybody -- all of my  
17 friends were laughing because they said, oh,  
18 isn't that interesting. They're like we have a  
19 beautiful Asian girl with blue hair. I'm trying  
20 to find the picture. They were laughing. They  
21 thought it was hysterical. Okay. I had just read  
22 a study in -- it was a science digest, and I had  
23 seen that before. And it's -- I have blue eyes.  
24 Okay? I like my blue eyes. I'm proud of my blue

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1       gave me what a lot of people want and spend a lot  
2       of money for. It's -- I was just talking about  
3       blue eyes, not brown people with blue-eyed people.  
4       I know a lot of people of color that have gorgeous  
5       blue eyes. What -- have people completely lost  
6       their minds? This is ridiculous.

7           Q.        You don't see how this could be  
8       interpreted to be racially insensitive?

9           A.        Absolutely not. I'm talking about  
10      people with blue eyes. I'm not talking about  
11      brown people. Brown-eyed people. People have  
12      brown eyes all over the place, every ethnicity,  
13      but the people that are looking for race, they're  
14      going to find it. There's nothing racist in that.  
15      There's nothing racist anywhere on my Facebook  
16      page, nothing. I kept it open for, like, 12 hours  
17      after this fiasco started because I had absolutely  
18      nothing to hide. I wasn't against anybody at  
19      work.

20                  Now, I can read their stuff. I  
21      don't care. I don't care. I don't care. It's  
22      their -- they did direct things at me after all of  
23      this came out and Jacob stirred the pot, but he  
24      was the one that did it. If it wasn't for him,

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1 I just love him to death. Well, he had just been  
2 inducted to the African-American Museum in  
3 Washington, D.C., finally -- big post about that,  
4 you know. I mean, these people don't -- they  
5 don't know anything about me, nothing. I haven't  
6 even breathed the same air as these people. I  
7 don't know them. So, anyway -- so, what he did is  
8 he forwarded those posts that he cherry-picked --

9 Q. Were they the posts that we've  
10 identified?

11 A. Yes, sir. They are all of the  
12 posts that were identified -- that he did not  
13 like, and he forwarded them to every single  
14 person that he knew. In doing so -- and tagged  
15 everybody, and I'm talking people everywhere. In  
16 doing so, it was picked up by other employees.  
17 They were -- you can read through all of this.  
18 (Indicating.) Employees that worked in  
19 Philadelphia, open it up, make it go viral, it's  
20 going viral. You know, I mean, even people were  
21 saying, are you reading something that I'm not  
22 reading because I'm not seeing anything here to  
23 all of these people.

24 And so, anyway, it was -- it was

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1 just -- it was a snowball effect. It was an  
2 absolute snowball effect. Ty Maddox, like I said,  
3 picked it up, collaged it, put it -- at two  
4 o'clock in the morning or one o'clock in the  
5 morning, put it on the official American Airlines  
6 Facebook and Twitter page. A Rachel McCray, who I  
7 believe had been terminated as well, she -- she  
8 either put it on -- I think she put it on Twitter,  
9 and, you know, saying -- oh, my God -- well, I've  
10 got it all here. (Indicating.) But anyway -- so,  
11 from there, it just took -- it took a life of its  
12 own, and Jacob Marrero was the ring leader. He  
13 was getting -- he was getting everybody riled up,  
14 absolutely riled up and --

15 Q. Did you know Jacob Marrero?

16 A. I never met him. I only talked to  
17 him one time on the telephone. The reason I  
18 talked to him on the telephone was because he was  
19 part of the Executive Board at one time with the  
20 company. I've never laid --

21 Q. You mean of the union?

22 A. I'm sorry, of the union. I have  
23 never laid eyes on him. The only way that I know  
24 him now is because I've seen pictures of him on

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1           Q.       All right. And you understand  
2        that passengers complained that you had made posts  
3        that were racist in nature?

4           A.        Okay. But, however, the reason  
5        that that happened was because of Jacob -- no,  
6        well, okay, I guess they did, but -- okay. That's  
7        because they were -- that's because they were  
8        forwarded on. In other words, it wasn't because  
9        they came to my page and found something. It was  
10       ridiculous. It was -- they never would have known  
11       I worked for American other than that little blip  
12       that you saw about the free passes which everybody  
13       was excited about. But that was so deep, they  
14       had -- you had -- or whoever, they had to go so,  
15       so deep into my Facebook page to find that. If  
16       anybody was just going through, they never would  
17       have known.

18           Q.       And once Jacob forwarded the  
19        posts, it was abundantly clear that you were an  
20        American Airline employee, right?

21           A.        No. They identified me, that's --  
22        no, that's what I'm saying though. Yes, because  
23        he identified me. It's not because I identified  
24        myself.

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1 Facebook. I mean -- okay. So, anyway, I was up  
2 for 36 hours. I received -- because of what they  
3 did, they posted my face, they posted my base,  
4 they posted -- you can have all of this as far as  
5 I'm concerned. (Indicating.) They -- I had  
6 passengers calling me at home. I had passengers  
7 calling me. I had passengers and employees  
8 that were -- that were calling me on Facebook  
9 Messenger. I had passengers that were making --  
10 and other employees that were going onto my actual  
11 Facebook page because I wasn't shutting it down.  
12 Why would I shut it -- that's ridiculous. If you  
13 can't -- this has nothing to do with you. If you  
14 can't -- if you can't come to the realization that  
15 people aren't against you, but they might not  
16 agree with your opinion, it doesn't mean that they  
17 hate you, for God's sake. So, anyway, retirees --  
18 retirees -- I had a police report because I had  
19 death threats. Here's my police report.  
20 (Indicating.)

21 This one individual, this one  
22 person, created this absolute havoc. I was  
23 getting phone calls from people who really wanted  
24 to help me from other cities. And -- Pat Brislin,

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1 well, she's a supervisor in Fort Lauderdale, she  
2 called me and she said, Colleen, passengers are  
3 talking about you up in Seattle; I just got a  
4 phone call from an agent in Seattle. This coming  
5 in from everywhere.

6 I had a nervous breakdown. I  
7 mean, they were -- it had taken on a life of its  
8 own over nothing, but yet, you know -- but you  
9 can -- but yet, you know, Laurie Marks -- Laurie  
10 Marks, an agent in Philly -- Ty Maddox, here's  
11 what he actually posted on American Airlines  
12 showing -- posing as a passenger -- a twice  
13 terminated employee who had an ax to grind.

14 Employee -- the utter and complete  
15 filth that I got from these employees -- Dave  
16 Thomas put my picture everywhere -- employee in  
17 Philly, everywhere. I don't even know who Dave  
18 Thomas is. I don't even know who the guy is. I  
19 mean, it's endless. It's absolutely endless.  
20 It's endless.

21 Val Florves, who was a  
22 supervisor -- and I like these people. I mean,  
23 it's hurting me to tell you this because I like  
24 these people. And I mean -- oh, my God, I mean,

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1 Val Florves, holy moly, she had a fiasco with me,  
2 but it was all stirring the pot, stirring the pot.  
3 And, like I said, it just took on a life of its  
4 own, and I -- it was so --

5 Q. How quickly?

6 A. -- it was so out of control  
7 because of Jacob. That was the nucleus. And it  
8 was so out of control, people that I had worked  
9 for for years, I mean, Val, and -- I mean, have a  
10 field day. (Indicating.) What they did to me on  
11 that -- and then what they did is they went to the  
12 closed American Airline groups, flight attendant,  
13 agent combined, you know, different ones that we  
14 have to share information, I had to get ahold of  
15 Tom Gunning. Tom Gunning was an administrator of  
16 one of the websites. And I had -- oh, my God, it  
17 was unbelievable. I said, Tom, please, take that  
18 down, please, take that down. I said, the person  
19 that is posting that has been terminated twice  
20 from American, talk to Barbara Tobin, who was our  
21 union president at the time, and she will explain  
22 to you what happened.

23 It was out of control. I mean --  
24 but it was the cherry-picking. It was the

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1 cherry-picking that -- and anything that they did  
2 not like, they used against me. When they called  
3 me in for my first interrogation, I went in my  
4 uniform. I was going back to work. I'm there to  
5 work. I'm not there -- if you're mad at me, okay,  
6 that's fine, you can be mad at me. Then they  
7 used -- then some employees, some coworkers, used,  
8 well, she's creating a hostile work environment.  
9 I'm not creating a hostile work environment. I'm  
10 coming in here zip-a-dee-doo-dah. I'm -- that's  
11 how I walked into work, all smiles.

12 After my first interrogation with  
13 Jenny O'Neill and Nicole Blanchard, Greg Cassavaw,  
14 my union representative, was right next to me.  
15 Jenny O'Neill, senior manager, came up to me, she  
16 gave me a hug. She said, Colleen, you are the  
17 victim here, you did nothing wrong, and we know  
18 exactly what's going on. Now, what that "we know  
19 exactly what's going on" is, I don't know what  
20 that is, but that's what she said to me.

21 Q. So, the posts that we've  
22 identified as Exhibits-12 through -16, I think  
23 this is your language, they went viral, correct?

24 A. They went all over the world, all

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1           Q.       All right. And you understand  
2        that passengers complained that you had made posts  
3        that were racist in nature?

4           A.        Okay. But, however, the reason  
5        that that happened was because of Jacob -- no,  
6        well, okay, I guess they did, but -- okay. That's  
7        because they were -- that's because they were  
8        forwarded on. In other words, it wasn't because  
9        they came to my page and found something. It was  
10       ridiculous. It was -- they never would have known  
11       I worked for American other than that little blip  
12       that you saw about the free passes which everybody  
13       was excited about. But that was so deep, they  
14       had -- you had -- or whoever, they had to go so,  
15       so deep into my Facebook page to find that. If  
16       anybody was just going through, they never would  
17       have known.

18           Q.       And once Jacob forwarded the  
19        posts, it was abundantly clear that you were an  
20        American Airline employee, right?

21           A.        No. They identified me, that's --  
22        no, that's what I'm saying though. Yes, because  
23        he identified me. It's not because I identified  
24        myself.

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1 point -- no, because -- no, because -- because I  
2 was dealing with the raccoons, for Christ sake,  
3 but the point is, no, I had absolutely no idea.  
4 However, I did also hear through conversation from  
5 people that called me that American Airlines was  
6 being held hostage because they were told if they  
7 didn't fire me that they were going to go to the  
8 media.

9 Q. Employees told the company that?

10 A. Yes, sir.

11 Q. And you're aware that employees  
12 both inside and outside of Philadelphia complained  
13 about your posts, correct?

14 A. I did not know that -- I did not  
15 know about -- well, I knew about the outside only  
16 after I was told that I had death threats. That's  
17 when I found out about it.

18 Q. So, yes, you know that employees  
19 in and out of Philly complained?

20 A. Well, they had to complain. It  
21 went viral. It went all over the world what they  
22 did to me. So, anybody that had an American  
23 Airlines app saw it.

24 Q. Okay. Do you understand why press

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1 start screaming, oh, this is a hostile work  
2 environment -- there was no hostility. That's  
3 ridiculous. It's just somebody with a different  
4 opinion. I'm not against you, ever. I was  
5 working -- I was the one in the hostile work  
6 environment. It was fine.

7 Q. So, listen to my question. Are  
8 you aware that employees reported that they  
9 weren't comfortable working with you in light of  
10 your posts?

11 A. That's what I said. They wrote it  
12 in here. Of course they did. That was -- that's  
13 part of it. That's part of the whole thing.

14 Q. Yes, you're aware of that?

15 A. Well, now that I am, but I knew  
16 that they were because they posted it in here. I  
17 saw it. That's what they kept on saying. They  
18 kept on saying, oh, my God, we can't work around  
19 this person, they're terrible.

20 Q. Do you know what EthicsPoint is?

21 A. Sure.

22 Q. And what is EthicsPoint --  
23 American Airlines EthicsPoint?

24 A. It's just American's ethics, I

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1 took an opportunity to cherry-pick through posts  
2 that he did not like, and ultimately he put them  
3 out to every single person that he knew, picked up  
4 by terminated employees that had scores to settle,  
5 put them on the official American Airlines'  
6 Facebook and Twitter page, and they had a field  
7 day. That's exactly what happened.

8 - - -

9 (Whereupon, the document was  
10 marked, for identification purposes, as Exhibit  
11 Koslosky-17.)

12 - - -

13 MR. FARRINGTON: Dave, can you  
14 make sure that we are not mixing the --

15 THE WITNESS: No, we're not. I  
16 got it.

17 MR. FARRINGTON: -- deposition  
18 exhibits in with that bag of papers?

19 MR. KOLLER: Can you put all of  
20 the documents to the side?

21 THE WITNESS: Okay. I'd be happy  
22 to.

23 BY MR. FARRINGTON:

24 Q. So, I tried to put in front of you

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1           Exhibit-17?

2           A.       Oh, from Joe, the thing from Joe,  
3           Joe Wilson.

4           Q.       This is your suspension letter,  
5           correct?

6           A.       That is correct.

7           Q.       How were you informed that you had  
8           been suspended?

9           A.       Joe Wilson called me at home, and  
10          we had a nice little chitchat, and he was lovely.  
11          And he said, we're just going to put you out. And  
12          I had a nice conversation with Joe, but -- and  
13          that was it.

14          Q.       Okay. And then how did you  
15          receive the letter that's been marked as  
16          Exhibit-17?

17          A.       I believe I got this via U.S.  
18          Mail, and I do have this letter.

19          Q.       But this wasn't news to you when  
20          you received it; you already knew you had been  
21          suspended?

22          A.       Yeah, that's correct, because I  
23          had a conversation with Joe.

24          Q.       Okay. You told Olympia and Mike

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1 Q. All right. And you had a meeting  
2 on September 29th with Nicole Blanchard and Jenny  
3 O'Neill, correct?

4 A. I did.

5 Q. And you were represented at that  
6 meeting by a union rep named Greg Cassavaw?

7 A. That's correct.

8 Q. Am I correct that two union  
9 representatives refused to represent you before  
10 Mr. Cassavaw finally agreed?

11 A. That's true. Suzette Lewis was on  
12 her way to Washington, D.C. She was on --  
13 actually, she was on her way to the African-  
14 American Museum, and Don Peterson was in Venice.

15 Q. And so, is it your testimony that  
16 they were physically unable to represent you, not  
17 that they declined to represent you in light of  
18 the circumstances?

19 A. Well, Suzette never declined.  
20 I've known Suzette since our Cleveland days. And  
21 Suzette only -- she never said that she declined  
22 because of any other reason other than the fact  
23 that she was going on this jaunt.

24 - - -

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1 material was left out of that memo?

2 A. I don't think so. I don't think  
3 so. You know, other than -- you know, I did --  
4 well, I did try to -- and they squashed me, I  
5 tried to -- you know, I tried to say but you  
6 don't -- but there are other employees that are  
7 the polar opposite and they're just skipping  
8 along, but what I did was, you know, nothing,  
9 nothing compared to what other people did. And,  
10 like I said, I would never, ever would I want to  
11 destroy somebody's career over a difference of  
12 opinion.

13 - - -

14 (Whereupon, the document was  
15 marked, for identification purposes, as Exhibit  
16 Koslosky-19.)

17 - - -

18 BY MR. FARRINGTON:

19 Q. I'm handing you Exhibit-19 --

20 A. Okay.

21 Q. -- can you confirm that's your  
22 termination letter?

23 A. That is my termination letter. It  
24 is, yes, sir.

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1 Q. Okay. So, you sent an e-mail to  
2 Jenny on October 2nd regarding Tom --

3 A. Doersam.

4 Q. -- Doersam's, D-O-E-R-S-A-M,  
5 Facebook page?

6 A. Right.

7 Q. And I've seen some other  
8 references to Tom. I'm correct, aren't I, that  
9 you never complained about Tom Doersam's posts to  
10 the company, correct?

11 A. Never, because he's entitled to  
12 his opinion. He never hurt anybody. It was his  
13 opinion. He's a great guy. I mean, he's a  
14 terrific guy. We just have a difference of  
15 opinion. All of this is difference of opinion.  
16 But why would I want to destroy his life? I don't  
17 want to destroy his life.

18 Q. Are you aware of anyone  
19 complaining to the company about Tom Doersam's  
20 Facebook posts?

21 A. I don't know because, again, to  
22 reiterate, I really didn't get involved in the  
23 mechanics of the airport. But people would say,  
24 oh, boy, did you see what Tom had to say, you

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1 relatively quickly.

2 A. Okay.

3 Q. You filed a grievance challenging  
4 your termination, correct?

5 A. I did.

6 Q. And the grievance was denied at a  
7 Step Two hearing?

8 A. It was.

9 Q. And am I correct that the union  
10 declined to take your grievance to arbitration?

11 A. The union -- yes, sir. The  
12 union -- if I can expand on that, the union  
13 declined because everywhere it said American  
14 Airlines -- that I worked for the world's -- what  
15 is it -- largest airline -- that I identified,  
16 identified, identified, I never identified myself.  
17 But they -- there's more to it but, yes, they did  
18 decline it. I was also denied representation by  
19 the union.

20 Q. Representation in what?

21 A. American Airlines was fighting my  
22 unemployment and -- I know, but -- okay.

23 Q. Okay. So, when you say "denied  
24 representation", you're talking about your

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1 BY MR. FARRINGTON:

2 Q. You've got Exhibit-20 there which  
3 is a letter you wrote to an Edward Mooney in  
4 response to the Union's decision to not proceed  
5 with an arbitration, correct?

6 A. That's correct.

7 Q. In the letter you make reference  
8 to a person who set you up?

9 A. That's correct.

10 Q. Is that person Jacob Marrero in  
11 your opinion?

12 A. That person is definitely Jacob  
13 Marrero in my opinion with a few other  
14 accomplices.

15 Q. Okay. On page 256 of that  
16 exhibit --

17 A. Yes, sir.

18 Q. -- the last full paragraph starts,  
19 "I was terminated to quiet a mob."

20 A. That's right.

21 Q. Is it your view that American  
22 Airlines was motivated to terminate your  
23 employment to "quiet the mob"?

24 A. One hundred percent, absolutely,

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1 with and they'll bring the company down with them.  
2 And I think that's a dangerous place to be -- just  
3 my -- you know, just my last thoughts.

4 - - -

5 (Whereupon, the document was  
6 marked, for identification purposes, as Exhibit  
7 Koslosky-21.)

8 - - -

9 BY MR. FARRINGTON:

10 Q. I'm giving you Exhibit-21.

11 A. Yes.

12 Q. It's a June 27th, 2018 letter from  
13 Ed Mooney to you, correct?

14 A. That is correct.

15 Q. And is this Mr. Mooney's response  
16 to the letter you wrote that was marked as  
17 Exhibit-20?

18 A. That's correct.

19 Q. In the letter did Mr. Mooney  
20 decline your appeal to take the case to  
21 arbitration?

22 A. He did.

23 Q. And did he find that an arbitrator  
24 would easily find American had just cause to take

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1 Q. You're not contending that you  
2 were terminated because you have a disability?

3 A. I am not contending that I was  
4 terminated because I had a disability. What I  
5 am contending is the circumvention of the  
6 accomodation for absolutely no reason. That's the  
7 problem. There was no reason not to grant me the  
8 accommodation that I was seeking as evident by the  
9 signature of Olympia Colasante.

10 Q. So, I saw your disability claim as  
11 three-fold, and I think you clarified that it's  
12 not. So, let me tell you what I thought it was,  
13 and you can clarify for me.

14 A. Sure.

15 Q. Okay? I understood you to be  
16 complaining that the company did not accommodate  
17 your disability by assigning you to Terminal B  
18 exclusively for a period of time until Olympia  
19 stepped in, right?

20 A. That is correct.

21 Q. That's one prong of your claim,  
22 right?

23 A. That is absolutely correct.

24 Q. Okay. And I thought you were

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1       alleging that the person who terminated you was  
2       motivated to do so because of your disability, and  
3       you've told me that's not correct, that's not what  
4       you're alleging?

5                  A.       No, that -- no.

6                  Q.       Got it. The third part of what I  
7       thought you were alleging in your claim was that  
8       the person who terminated you did so to retaliate  
9       against you for having asked for an accommodation;  
10      is that part of your claim?

11                 A.       Not asking for the accommodation,  
12      humiliated because for over a year she did  
13      everything that she could do to circumvent that.  
14      I'm trying to answer the question, I really am.

15                 Q.       So, that circles back to you not  
16      getting the accommodation in the first place, and  
17      I understand that's part of your lawsuit.

18                 A.       Right.

19                 Q.       I got it.

20                 A.       Okay.

21                 Q.       Are you contending that the fact  
22      you asked for an accommodation played a role in  
23      the decision to terminate you eventually?

24                 A.       Not at all. No, not at all. No,

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1 because when I originally -- you know, you have to  
2 go -- you have to go through the steps of -- you  
3 know, you have to go to Human Resources, and you  
4 have to -- you know, you try to do the best that  
5 you can do after you've exhausted everything on  
6 the floor, you know -- the gates on the floor,  
7 that's what I mean. So, then, you know, you go  
8 upstairs, you try to do the proper thing.

9                   And, again, at the expense of  
10 being repetitive, you know, that's why I went to  
11 her directly because nobody could speak for myself  
12 other than me, and it worked out brilliantly for  
13 about three hours, and then she disappeared off  
14 the face of earth until she fired me.

15                  Q.        You're talking about Beth again?

16                  A.        Yeah. And I liked Beth. She was  
17 great.

18                  Q.        All right. So, you're definitely  
19 alleging that the company did not accommodate your  
20 disability in a timely fashion?

21                  A.        Absolutely.

22                  Q.        Got it. And then with respect to  
23 the termination, the legal claim is limited to  
24 your allegation that you were terminated because

COLLEEN KOSLOSKY

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1 of your gender, correct?

2 A. That was part of it only because  
3 of the repetitiveness of what I was seeing.

4 Q. And what's the other part?

5 A. That's the part.

6 Q. Okay. And then you also told me  
7 earlier that you think the company was -- I think  
8 the word you used was blackmailed or motivated to  
9 quell the mob, correct?

10 A. Absolutely. Absolutely.

11 Q. Okay. And you're not contending  
12 your disability or the fact that you had asked for  
13 an accommodation played a role in the decision to  
14 terminate?

15 A. No. It was the fact that they  
16 wouldn't -- they -- no, they circumvented me at  
17 every turn to get that accommodation.

18 Q. Okay.

19 A. It wasn't the asking of the -- the  
20 initial asking of the accommodation. It was the  
21 circumvention and the abject lying that was going  
22 on so that I wouldn't get that accommodation which  
23 I'm still trying to figure out what the big deal  
24 was. But in the interim, in the interim, and me

PENRAG 800-631-6889

Koslosky -  
RC 5-7-19

EEOC Form 5 (5/01)

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency

 FEPA  
 EEOC

## Pennsylvania Human Relations Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Colleen Koslosky

Home Phone (Incl. Area Code)

(856) 904 3567

Date of Birth

Street Address

City, State and ZIP Code

110 Whitman Avenue

Stratford, NJ 08084

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

American Airlines, Inc.

No. Employees, Members

Phone No. (Include Area Code)

50+

(800) 364 5259

Street Address

City, State and ZIP Code

8000 Essington Avenue

Philadelphia, PA 19153

Name

American Airlines, Inc.

No. Employees, Members

Phone No. (Include Area Code)

50+

(817) 963 1234

Street Address

City, State and ZIP Code

4333 Amon Carter Boulevard

Fort Worth, TX 76155

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE

COLOR

SEX

RELIGION

NATIONAL ORIGIN

RETALIATION

AGE

DISABILITY

OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest      Latest

10/6/2017

  
CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

- I. On December 12, 1983, I was hired by US Air as a Customer Service Agent in a location in New York City, NY. In April 1992, I was transferred to the Philadelphia International Airport. On December 9, 2013, US Air merged with Respondent and I became an employee of Respondent. On October 6, 2017, Respondent terminated me. I have a disability that substantially limits major life activities. I am a "qualified individual with a disability" as that term is defined under the ADA because I have, or had at all time relevant hereto, a disability that substantially limits or limited one or more major life activities or because I had a record of such an impairment or because I was regarded as and/or perceived by Defendant and its agents as being disabled.
- II. In or around 2008, I was diagnosed with a disability. In or around 2010 I was required to have a procedure to treat my disability. In or around 2013, I had a second operation conducted by Dr. Brian Czerniecki at University of Pennsylvania Hospital to treat my disability. I was forced to take a leave of absence for approximately five (5) months. When I returned to work, Dr. Katharine Garnier, Primary Care Physician, wrote me a note restricting the amount I walked. She requested that I work in Concourse B in order to do so.
- III. I gave this note to Naomi LNU, Human Resource Representative, but Respondent denied my request and continued to schedule me at the far end of Concourse C. This forced me to walk an unnecessary amount and exacerbated my disability. I complained to Christine Thompson, Manager, that I was not being accommodated. Ms. Thompson notified me that I would be accommodated, but the following day Larry Raikes, Supervisor, continued to assign me to the far end of Concourse C. I then complained to Beth Norton, Managing Director – Customer Care, in order to obtain my accommodation. However, Ms. Norton ignored my request. For approximately two (2) years, I requested an accommodation from Ms. Norton and other various individuals in management, but Respondent ignored my requests and continued to schedule me at the far end of Concourse C. I was forced to miss a substantial amount of time at work due to Respondent's failure to accommodate me.
- IV. On July 28, 2017, I sent an email to Ms. White, Manager – Employee Relations Operational

Koslosky

10000012

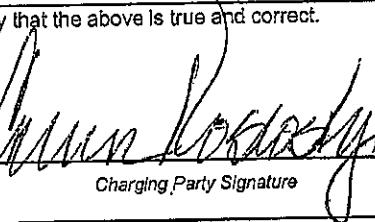
Support, Olympia Colasante, VP, PHL Hub Operations, Tricia Herschell, Managing Director Domestic & International HR Business Partners, and Robert Isom, President, complaining about Respondent's failure to accommodate me. Ms. Colasante stated that she would take care of it. The following day, Ms. Norton called me and informed me that Respondent would grant my accommodation request and assign me to work in Concourse B.

- V. On September 27, Joe Wilson, Manager, and Ms. Norton suspended me due to posts on my Facebook page. On October 6, 2017, Ms. Norton terminated me. Respondent's reason for terminating me was that I had identified myself as an employee of Respondent when I made my posts. I never identified myself as an employee of Respondent. However, Tom Doersom, Customer Service Supervisor, has a public Facebook with multiple posts calling President Donald Trump "Hitler, his supporters "Nazis", and "racist homophobic bigots." Mr. Doersom identifies himself as an employee of Respondent. Upon information and belief, Respondent has not disciplined or terminated Mr. Doersom for his posts.
- VI. I believe I was discriminated against due to my gender in violation of Title VII. I was also discriminated against due to my disability and denied a reasonable accommodation in violation of the ADA. I also believe I was retaliated against for complaining about Respondent's failure to accommodate me in violation of the ADA.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

2-14-2018



Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWEARN TO BEFORE ME THIS DATE  
(month, day, year)

# Attendance and performance guidelines for passenger service employees

**The following performance guidelines apply to all passenger service team members represented by the CWA-IBT.**

Effective September 12, 2018

## I. Introduction

When we think about one of the keys to our success as a Customer Experience department, we often think about dependability. Getting aircraft out on time is certainly one aspect of that, but behind the scenes, it also means having our full team at work, performing at their best every day, for every flight.

Knowing what's expected and having a clear understanding of what success looks like are integral parts of performing at our best. That's why we have attendance and performance guidelines for our U.S.-based passenger service employees represented by the CWA-IBT Association (including Puerto Rico).

The attendance piece is an objective, straightforward point system with a rolling active 12-month lookback period.

The performance piece also uses an active 12-month lookback, and allows for a review of each performance issue, the employee's work history and the opportunities for improvement.

These guidelines are just that - guidelines. They are not a contract of employment and may be modified or removed at any time. If that's the case, we'll make sure employees are aware in advance.

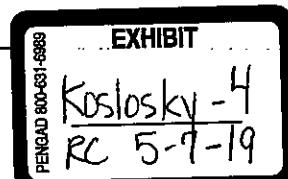
## Separation of Attendance and Performance

Attendance and performance are generally separate and distinct. The attendance guiding principles apply only to attendance issues, which will be managed separately from job performance issues. Expectations for employee conduct and performance will be managed under the performance guidelines. However, there may be times when an issue involves both sets of guidelines. An example would be arriving late and not clocking in. The late arrival falls under attendance while the failure to clock would be addressed under performance.

## II. Application of Guidelines

The guidelines in this document apply only to those employees in the passenger service workgroup who have completed their probationary period pursuant to the applicable collective bargaining agreement.

They replace US Airways' Commitment to Success Attendance and Performance Program and American's Attendance Management Policy (AMP) and Peak Performance through Commitment with respect to passenger service employees employees.



Attendance and performance guidelines for passenger service employees

### **III. Definition of Terms**

**Absence(s) / Absent:** Any time an employee does not report or remain at work as scheduled. All Absences are considered chargeable attendance occurrences for assignment of points except those expressly identified as authorized leaves (see below), or those for which discipline may not be issued under applicable law.

**Active / Active Service:** The period(s) in which the employee is actively working, or receiving pay. Active / Active service excludes time periods when the employee is removed from payroll (e.g. unpaid leave of absence).

**Attendance Discussion(s) / Coaching:** Either a discussion during which the employee is advised of the company's attendance / performance expectations and the employee's status under the guidelines OR a notice provided to the employee that apprises the employee of his/her status under the company's attendance / performance expectations.

**Authorized Leave(s):** When acceptable documentation is submitted to the company, authorized leaves include: adoption, bereavement, family medical leave (FMLA), jury duty, maternity, medical (paid and / or unpaid for 14 or more calendar days from start of Absence), military, occupational injury, paternity, personal, and union leave.

**Chargeable Attendance Occurrence(s):** Absences or late arrivals that are assessed a point value according to the guidelines. A sick absence occurrence starts on the first day of absence and ends when the employee returns to work. Sick absences are assessed points based on each occurrence. Non-sick absences and late arrivals to work are daily occurrences and points are assessed daily regardless of the duration.

**Confirmation of Illness:** When the company is in doubt of a bona fide sick claim and / or the occurrence is for five (5) or more sick days (paid and / or unpaid), the Company may request an employee to provide documentation to substantiate that claim.

**Effective Period of Review Level / Discipline:** The rolling twelve (12) month period of active service commencing on the date the most recent Level is issued to an employee.

**Flex Late (for Airport, Premium Customer Services & Travel Center employees):** Up to two (2) times per calendar year the employee may start his or her shift up to fifteen (15) minutes late. Time is not made up, or paid. Flex lates are not chargeable attendance occurrences under the attendance guidelines.

**Late:** When an employee arrives to work no more than two (2) hours after the employee's shift start time (includes scheduled shifts, overtime and shift swaps) or at a time authorized by management.

**Late Notification (for an Absence):** When an employee notifies the company of the employee's absence after one (1) hour prior to the employee's shift start time, but less than two (2) hours following the employee's scheduled start time.

**Level(s):** There are three (3) levels of progressive review / discipline which will be applied in instances of unsatisfactory attendance or performance: Level 1, Level 2 and Level 3. Level 3 is a "Final Warning." If attendance / performance problems continue after Level 3 (Final Warning), an employee may be terminated.

**No Call / No Show:** When an employee does not report to work and does not notify the company of the absence within two (2) hours following the employee's scheduled start time.

**Point(s):** Assessed for each chargeable attendance occurrence (absence or late) to the extent permitted by any applicable law and as described in the attendance guidelines.

Attendance and performance guidelines for passenger service employees

**Progressive Review Level / Discipline:** When an employee fails to correct the employee's unsatisfactory attendance record or performance, the employee will be issued three (3) Levels of Progressive Review after which the employee may be terminated. Sometimes an employee's behavior or misconduct (performance) is sufficiently serious so that skipping levels, including moving directly to or termination, may be warranted.

**Sick Leave Abuse:** Utilization of sick leave, paid or unpaid, for any purpose other than an employee's personal illness or non-occupational injury (unless otherwise provided by law).

**Sick Leave Pay:** Pay protection for an absence when an employee is unable to report to work as scheduled due to the employee's own illness, notifies the company at least one (1) hour prior to the employee's scheduled start time, and the employee has accrued and available sick time.

**Termination:** Involuntary separation of employment.

## IV. ATTENDANCE GUIDELINES

### A. Employee Responsibilities

The company relies on its employees to report to work as scheduled. Employees are expected to report to work regularly and on time and remain in their assigned work area as necessary for the efficient performance of their work. We recognize that on occasion, illness or other compelling personal situations may require employees to be late or absent from work. Every employee has the responsibility to minimize absences to ensure dependable attendance. This includes: attending to personal obligations outside of work hours; not allowing minor indispositions or inconveniences to keep them away from work; allowing for variations in weather, traffic, or public transportation when commuting; not abusing sick leave; immediately notifying the company in the event of an absence; and following company procedures for securing authorized leaves of absence.

### B. Employee Obligations under the Attendance Guidelines

When an employee is going to be absent, the employee must notify the company at least one hour prior to the start of the employee's shift each and every day unless directed otherwise. An employee who fails to do so may be subject to a progressive review level. The employee must personally call to report an absence unless the employee is physically unable to do so.

### C. Point Assessment

The chart below identifies types of attendance occurrences and the number of points issued for each. The chart is not intended to be all-inclusive and cannot address all possible situations. Points issued may vary depending on individual circumstances.

Occurrence	Points Per Occurrence
------------	-----------------------

Attendance and performance guidelines for passenger service employees

<b>Late</b>	0.5 Point
<b>Airports:</b> Absence with notification at least one (1) hour prior to scheduled shift start	1.0 Point
<b>Reservations:</b> Absence with notification prior to shift start	
<b>Airports:</b> Absence with notification between 59 minutes prior to and two (2) hours after scheduled shift start	1.5 Points
<b>Reservations:</b> Absence with notification between scheduled shift start and two (2) hours after scheduled shift start	
Absence for five (5) or more consecutive days without Company approved documentation	2.0 Points
Absence associated with a communicated pattern (e.g. holiday, calendar, conjunctive)	2.0 Points
No Call / No Show - either no notification or more than two (2) hours after scheduled shift start	2.5 Points
No Call / No Show for 3 consecutive scheduled work days	Termination

A sick absence that covers one or more consecutive scheduled work days is one (1) occurrence under the guidelines. For these absences, points are assessed per occurrence. A sick absence ends when the employee returns to work.

A non-sick absence and late arrival are daily occurrences and are assessed points on a daily basis.

## D. Flex Late Guidelines for Airport, Premium Customer Services & Travel Center Employees

Employees may start their shift up to fifteen (15) minutes late up to two (2) times per calendar year. The time will not be made up, or paid. The two (2) Flex lates are not chargeable attendance occurrences under these guidelines.

## E. Procedure

The company will track chargeable attendance occurrences and their cumulative point total over the previous 12-month period of active service starting from the first day of absence associated with the most recent attendance occurrence to determine if a progressive review level is warranted. Once a level has been issued,

## Attendance and performance guidelines for passenger service employees

attendance is reviewed during the effective period of review level, which is 12 months of active service starting on the date a level is issued to the employee.

Examples of ways in which employees will be assigned points for attendance absences and lates follow. These are only examples and the list is not intended to be all inclusive:

- Calling in absent for a scheduled work day, including shift trades and overtime
- Reporting late for duty, including shift trades and overtime
- Leaving work before the end of shift
- Missing work assignment as a result of not having all required items

**Authorized Leaves** are not counted as points and are not subject to progressive review levels when acceptable documentation is submitted to the company. Authorized leaves include: adoption, bereavement, family medical leave (FMLA), jury duty, maternity, medical (paid and / or unpaid for 14 or more calendar days from start of absence), military, occupational injury, paternity, personal, and union leave.

## F. Progressive Review Levels

The chart below outlines the guidelines for levels based on points assigned. The guidelines are not intended to be all-inclusive and cannot identify all possible situations. Levels issued for an infraction may vary from the stated guideline based on individual circumstances and/or applicable laws.

Point Total	Progressive Review Levels
Less than 4 Points within 12-month period of Active Service (prior to and including the 1st date of last occurrence)	Coaching
4 Points within 12-month period of Active Service (prior to and including the 1st date of last occurrence)	Level 1
3 Points within the Level 1 Effective Period (12-month period of Active Service)	Level 2
2 Points within the Level II Effective Period (12-month period of Active Service)	Level 3
2 Points within the Level III Effective Period (12-month period of Active Service)	Termination

## EXAMPLES

**Example 1:** Agent Jane calls out sick for 3 days beginning on September 27, 2016 and receives one (1) point. To determine whether this occurrence triggers a progressive review level, the supervisor / manager reviews the 12-month active service period prior to the occurrence. In this instance, the 12-month active service period is from September 28, 2015 through September 27, 2016. In the event Jane was on a five-month leave of absence during this 12-month period, the supervisor / manager would need to look back an additional five (5)

#### Attendance and performance guidelines for passenger service employees

months, totaling a seventeen (17) month period which would result in a 12-month active service period from April 28, 2015 through September 27, 2016. At this time, Jane's cumulative point total for the 12-month period of active service is three point five (3.5) points and therefore this occurrence does not trigger a level.

**Example 2:** Agent Jane calls out sick for one day and receives one (1) point on October 24, 2016. At this time, Jane's cumulative point total for the 12-month period of active service is four point five (4.5) points. Based on her cumulative point total, this attendance occurrence triggers a progressive review level. Her supervisor / manager issues her a level 1 on November 1, 2016. The effective period is from November 1, 2016 through October 31, 2017 assuming Jane remains Active (on payroll) from the date the level 1 is issued through October 31, 2017.

**Example 3:** Agent Jane is late for work on November 16, 2016 and receives a half a point (0.5) for this chargeable occurrence. At this time, Jane's cumulative point total for the effective period for the level 1 is half (0.5) a point, therefore this occurrence does not trigger an escalation in Level.

**Example 4:** On October 29, 2017 Jane calls absent for work due to personal reasons and advises the company 10 minutes before her shift start time. She receives one and one half (1.5) points for this chargeable occurrence since she was late in notifying the company of her Absence. On the following day, October 30, 2017, Jane calls absent for work again for personal reasons but this time advises the company an hour and a half before her shift start time. She receives one (1.0) point for this chargeable occurrence. At this time, Jane's cumulative point total for the effective period for the level 1 is three (3.0) points. This triggers the next level. Her supervisor / manager issues her a level 2 on November 8, 2017. The effective period for this level 2 is from November 8, 2017 through November 7, 2018, assuming Jane is active during this time period.

**Example 5:** On January 11, 2018, Jane does not come to work nor does she call in her absence. She receives two and one half (2.5) points for this chargeable no call / no show occurrence. Jane's cumulative point total for the effective period for the level 2 triggers an escalation to the next level. Her supervisor / manager issues her a level 3 on January 18, 2018. The effective period for this level 3 is from January 18, 2018 through January 17, 2019, assuming Jane is active during this time period.

**Example 6:** On January 17, 2019, since Jane has not had any chargeable attendance occurrences OR she has not accumulated two (2.0) or more points during the effective period for the level 3, the level 3 expires.

## G. Verification of Sick Absence

Pursuant to the collective bargaining agreement, employees may be required to present confirmation of illness. The company reserves the right to require, when in doubt of a bona fide claim, acceptable documentation to confirm such sick claim. In the event the requested documentation is not supplied, or such documentation is incomplete or does not substantiate the employee's illness or injury, the absence may be considered sick leave abuse and the employee may be subject to a progressive review level up to and including termination.

The following are examples of when the company may be in doubt of a bona fide sick claim and require acceptable documentation. These are examples and not intended to be all inclusive.

- Absences while on a level under the attendance guidelines.
- Absence occurrences of 5 or more consecutive work days
- Absences within any of the following periods:
  - December 20 through January 6
  - Super Bowl Sunday through the Monday after
  - The Friday preceding Easter through the Monday following Easter.
  - Memorial Day weekend (including Memorial Day)

## Attendance and performance guidelines for passenger service employees

- July 1 through July 7
- Labor Day weekend (including Labor Day)
- October 31
- The Tuesday before Thanksgiving through the following Sunday
- An annual absence pattern
- Absences immediately preceding or following a vacation day, a day off or swap off
- When the employee is notified in advance of the requirement to provide confirmation of illness for future absences due to a suspicion of sick leave abuse

When documentation is required, as described above, for a non-FMLA qualifying occurrence, the employee must submit the documentation to the company on the first day the employee returns to work, if the company has advised the employee of this requirement in advance. If the company notifies the employee that documentation is required after the employee returns to work, the documentation must be submitted to the company within seven (7) calendar days of notification.

The required sick verification documentation is available on Jetnet and needs to be completed by the employee's healthcare provider and returned to the company's Absence and Return Center (ARC).

## H. Sick Leave

Passenger service employees may only use their sick leave for their own personal illness or injury, unless otherwise permitted by a contractual provision or mandated by law.

## V. PERFORMANCE PROGRAM

### A. Professional Conduct

Building the world's greatest airline means having all of our team members consistently do their part to ensure that we consistently provide exceptional service to our customers. Though the roles and responsibilities of each team member vary, one thing remains constant: we all need to be professional both in our behavior and performance.

Fundamentally, all employees should show commonsense, integrity, responsibility, initiative and good judgment at all times. That means being the best employee, which positively reflects on our company and colleagues. And, while we recognize that for most of us, these expectations are all we need to know. For those who prefer specifics, we have outlined specific expectations in our Professional Conduct Standards.

Attendance and performance guidelines for passenger service employees

## B. Professional Conduct Standards for Passenger Service Employees

American Airlines employees are expected to demonstrate professional conduct that reflects commonsense, integrity, responsibility, initiative, efficiency and good judgment at all times. Employees should not act in a way that is detrimental to the welfare of, or reflects unfavorably on, the company or its employees. By way of example only, the following types of conduct are prohibited and may result in discipline up to and including termination:

- Misrepresentation of facts or falsification of records (including, for example, training records, employment applications, pay records, etc.) for any reason including to obtain travel passes, employee benefits, pay for the employee or a coworker, or other privileges.
- Submitting incorrect timesheets or other time records, or allowing incorrect timesheets or other time records to be submitted. Please note that this applies to both your own timesheets or time records, and those of others.
- Working unauthorized overtime (the company will pay employees for all time worked regardless of whether it was authorized, but working without authorization may be treated as a disciplinary matter).
- Intentional work slow-downs, encouraging work slow-downs, or intentional restriction of output, productivity or workmanship.
- Loafing, sleeping on the job, or "nesting."
- Insubordination, or willful refusal or failure to follow a direction from management or refusal to perform assigned work.
- Failure to report any injury, accident, dangerous, unsafe or hazardous situation or condition to a member of management as soon as possible, or failure to follow all posted and/or published safety rules or any other disregard for safety.
- Unauthorized use of property or information owned or maintained by the company, its employees, or vendors, including, as example only, information and data related to our customers and employees, equipment, and electronic assets.
- Selling goods or services to the company or other employees while at work or using company property, information or assets for personal gain.
- Soliciting, collecting, or accepting contributions from coworkers on company time without company authorization.
- Utilizing audio recording or video-taping equipment (for example, the use of camera / video features on cell phones or glasses) on company property or while on duty, except where such equipment is provided by the company and then only in performing duties assigned by the company, unless the company provides prior written approval.
- Certain criminal offenses, whether committed on duty or off duty.
- Any failure to follow TSA or FAA regulations, or any applicable security regulations.
- Pilferage, theft, or attempted theft.
- Violence, physical assault, or horseplay on company premises at any time or while on duty
- While at any company workplace, or performing duties on behalf of the company, using any weapons, firearms or explosive devices, or knowingly permitting another employee to possess or use the foregoing, unless authorized by the company.
- Failure to abide by the company's Equal Employment / Non-Harassment policy.
- Participation in any effort, including those offsite, that may constitute support of a potentially dangerous or disruptive effort against the airline and / or our employees.
- False or slanderous statements about the company, its employees, its vendors or patrons.
- Any violation of drug and alcohol policies.
- Use of inappropriate language.
- Gambling on company premises or while on duty.
- Failing to check in or off duty in the prescribed manner.

## Attendance and performance guidelines for passenger service employees

- Clocking in or out for others.
- Failure to safeguard corporate resources or property of others, including the destruction defacing or damaging of airport or company property.
- Assisting any person in gaining unauthorized entrance to, or exit from American Airlines facilities or offices, including airport property.
- Solicitation and / or acceptance of gratuities (tips) of any kind from customers, vendors or visitors, unless specifically approved by your manager and Human Resources.

The above list is not all-inclusive and cannot address all possible situations or every practice or principle related to honest and ethical conduct. Unprofessional conduct will be dealt with according to the seriousness of the offense, and violators will be subject to appropriate disciplinary action up to and including termination.

Generally, if conduct does not meet these expectations, your management team will work with you to address the issue through the use of a progressive counseling process. The process may include a non-disciplinary coaching discussion, a Level 1, Level 2, Level 3, or termination of employment. Some behavior, even if committed for the first time, may be serious enough standing alone to warrant termination or other discipline, even in the absence of prior discipline.

If you have any questions about the Professional Conduct Standards, please reach out to your supervisor / manager.

## C. Review of Facts and Action

We will conduct a review of facts prior to the application of any discipline, including discharge. Depending upon the circumstances, an employee may be suspended while we gather the necessary details. And, the following may be considered as part of the review and in the determination of what discipline, if any, is warranted:

- The nature and seriousness of the offense
- The duration of the problem
- The number of attempts to counsel you regarding your previous performance infractions
- Your work history
- Your general behavior and willingness to improve

We will track performance over a 12-month period of active service (as defined in the attendance guidelines) leading up to the performance issue. Once a disciplinary step has been issued, the discipline will remain active for a period of 12 months of active service ("effective period"). If additional progressive discipline is necessary during that 12-month period, all discipline will remain effective until 12 months following the most recent step of the progressive discipline.

## D. EAP

The Employee Assistance Program (EAP) is separate from one's professional conduct. If an employee has committed an offense warranting discipline, the discipline should be administered, even if the employee seeks assistance through the EAP. Though we encourage all employees to utilize the EAP's services, discipline is not to be waived solely because an employee is seeking help for an addiction or other problem.



MENU

All Places &gt; Resources &gt; Documents

POLICY

## Overview of social media policy

Created by Adib Abraham on Oct 29, 2016 1:28 PM

3 minute read

American Airlines recognizes the importance of social media. To the extent an individual chooses to engage in social media activities, it is important for everyone to remember that what is said or done in various social media channels (websites, blogs, micro-blogs, wikis, social networks, etc.) may reflect directly on the individual's character, reputation and integrity as well as that of an individual's friends, associates and colleagues.

"Social media activities" may occur in a wide variety of contexts, including websites such as LinkedIn, Facebook, Twitter, YouTube, and MySpace. Other online venues for social media activities include blogs, online discussion forums or traditional media websites that permit visitors to interact by posting comments. Such online venues may be dedicated to particular interests, e.g. travel, alumni organizations or professional organizations.

This policy applies to all types of social media activity, including:

- (a) activity that uses Company computers, mobile devices, or other equipment or technology;
- (b) activity that uses non-Company technology when linked to the Company's systems; and
- (c) activity that is engaged in on or off duty which is subject to the Company's Rules of Conduct and other Company policies and guidelines (referenced below).

Prior to posting anything online, remember you are personally responsible for the content you post or publish in any form of user-generated media. To the extent any of your personal or business related postings refer to, relate to, implicate or reflect on American Airlines or any other AAG company, you will be held responsible for complying with any American Airlines' rules, policies and procedures that may relate to your post.

The same policies and guidelines that apply to American Airlines employee activities on or off duty apply to American Airlines employee activities online. "American Airlines employee activities" include, but are not limited to, the activities of: an individual employee or group of employees acting on their own behalf; a company department, business unit, or station; and a Company-sponsored employee group or clubs.

1728 Views      Categories:      Tags: policy, twitter, facebook, social media, social media policy

<https://newjetnet.aa.com/docs/DOC-17474>

1/19/2018

PENGID 800-651-6868

EXHIBIT	
Koslosky - 5	
KC 5-7-19	

AMERICAN 000005



MENU

All Places > Policies > Domestic U.S. policies > Documents

POLICY

## Work environment

Created by Policy Admin on Nov 22, 2016 3:48 PM

9 minute read

These guidelines apply to regular domestic U.S. employees. Internationally based employees should refer to the policies for their region.

Together, we have the opportunity to create a safe and inviting place to work, a workplace that sets us apart. Here's what will get us there.

### Embrace diversity

We're a global airline, made up of a diverse workforce. We should celebrate our differences, and nothing less. We will not tolerate discrimination, unlawful harassment, bias-related behavior, threats of workplace violence, or other inappropriate behavior. Respecting one another is a core value of our culture.

American strictly prohibits harassment and discrimination because of regard to race, color, religion, gender, pregnancy, gender identity, gender expression, sexual orientation, national origin, ethnic origin, citizenship, age, protected veteran status, genetic information, disability or any category protected by law.

You play a role in creating a workplace that is free from such discrimination and/or harassment. We're all accountable – including our leaders. Types of unacceptable behavior in the workplace may take a variety of forms, including verbal, physical, and visual contact, threats, demands, and retaliation for making a complaint. Examples may include, but are not limited to:

- Bias-related behavior – behavior that suggests hatred for, or hostility toward, a person or group because of their race, sex, sexual orientation, gender identity, religion, or protected characteristic. This may include, but is not limited to, bigoted slurs, drawings, and symbols such as a hangman's noose, a swastika, or graffiti.
- Verbal conduct, such as epithets, demeaning or derogatory comments, jokes, negative stereotyping, slurs or any term or code name that denigrates or disparages others, including but not limited to any member of a minority, racial, or ethnic group.

- Physical conduct such as assault, unwelcome touching, blocking normal movement, interfering with work, threatening, intimidating, or offensive behavior that relates to the factors described above.
- Visual conduct such as derogatory or otherwise offensive posters, cards, objects, symbols, calendars, photographs, cartoons, graffiti, drawings, jokes, letters, e-mail, or gestures that denigrate or show hostility toward an individual or group.

This applies to us all, including anyone working on behalf of the company. If you see it happening, report it to your manager, contact Human Resources or call the EthicsPoint Helpline (877) 422-3844. You can also find out more at [www.aa.ethicspoint.com](http://www.aa.ethicspoint.com).

If you violate, engage in, or condone this kind of behavior, or retaliate against an employee who reports this kind of behavior, you will be subject to appropriate disciplinary action, up to and including termination.

## Free of discrimination

We can't stress it enough. American does not tolerate discrimination or harassment, or retaliation for making a complaint of discrimination or harassment, or participating in an investigation of such a complaint. If you feel that you have been harassed, discriminated or retaliated against in the employment or accommodation process, report it to your manager, HR Business Partner and/or the EthicsPoint Helpline. Your complaint will be investigated, appropriate corrective action will be taken to stop any appropriate conduct and prevent it, and there will be no reprisals for making such reports in good faith or participating in an investigation of such a complaint. Remember, it is everyone's job to report discrimination and harassment and to cooperate in the company's investigation of such reports. Anyone found engaging in discrimination, harassment or retaliation will be subject to discipline, up to and including termination.

## Keep it fair

No one wants to work for a company where harassment, intimidation or violence lives. To be absolutely clear, American prohibits threats and workplace violence toward our employees, vendors, customers or property. In no shape or form will the following be tolerated:

- Physically or verbally threatening or intimidating another individual while at work, including acts of bullying;
- The intentional destruction or threat of destruction of company or another's property;
- Harassing or threatening an employee while at work, including phone calls or written communications;
- Stalking at work; and
- Advocating illegal use of firearms, bombs, or weapons while at work.

This applies to everyone working on behalf of the company, including, but not limited to, American employees, contract workers, temporary workers, and non-employees on American's property. If you

witness or are aware of any violent or potentially violent conduct, do the right thing and report it to your local management as quickly as possible. They'll take it from there, making an initial assessment of the situation and contacting Human Resources.

## No sexual harassment

American Airlines is committed to fostering a work environment that is free from sexual harassment, and that includes retaliation for raising a sexual harassment complaint or cooperating in an investigation.

The Equal Employment opportunity commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal, or physical conduct of a sexual nature when:

- Submission to such conduct by an individual is made explicitly or implicitly a term or condition of employment;
- Submission to, or rejection of, such conduct by an individual is used as a basis for an employment decision; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- Examples of sexual harassment may include:
  - Making or threatening retaliation after a negative response to sexual advances;
  - Offering employment benefits in exchange for sexual favors;
  - Visual conduct – leering, making sexual gestures, displaying of sexually suggestive objects, pictures, cartoons, or posters;
  - Verbal conduct – making or using derogatory comments, epithets, slurs, sexually explicit jokes, sexual innuendoes, comments about an employee's body or dress;
  - Verbal sexual advances or propositions;
  - Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations; and
  - Physical conduct – unwelcome touching or massages, assault, impeding, or blocking movements.

If you are offended by inappropriate conduct in the workplace, and if comfortable in doing so, tell the alleged harasser you are offended by the behavior and/or remarks and you want it to stop. Do not ignore the behavior. If the behavior continues, or you do not feel comfortable talking to the alleged harasser about it, immediately report the behavior to your manager, your local HR Office/HR manager or the EthicsPoint Helpline at (877) 422-3844 or [www.aa.ethicspoint.com](http://www.aa.ethicspoint.com).

Sexual harassment complaints will be investigated by the company with due regard for privacy and confidentiality of all persons involved. The company will take prompt and appropriate corrective action to stop any harassment or inappropriate conduct and prevent its recurrence. As

Work environment | Jetnet

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circumstances warrant, the harasser may be subject to discipline, up to and including termination. Employees must cooperate with the Company in its investigation of harassment and discrimination complaints. There will be no retaliation against an employee who, in good faith, raises concerns or makes complaints of alleged, perceived or actual unlawful harassment or discrimination, or who cooperates in the investigation of such matters.

3887 Views      Categories:      Tags: diversity, discrimination, work environment, harassment

Average User Rating

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AmericanAirlines

## REASONABLE ACCOMMODATION REQUEST - HEALTH CARE PROVIDER

**Instructions:** Employee should complete Sections 1 and 6. In addition, please ask your health care provider to complete Sections 2-5. Please attach your job description to the request form

## SECTION 1 - EMPLOYEE INFORMATION

Name <i>COLLEEN Koslosky</i>	Employee Number <i>467648</i>	Home Telephone	
Address <i>110 National Ave</i>	City <i>STRATFORD</i>	State <i>NJ</i>	Zip <i>08084</i>
Department <i>CS</i>	City <i>PHL</i>	Supervisor <i>TY NORTHEEN</i>	Work Telephone
Current Position <i>CSA</i>			

## Employee Certification and Medical Release

I hereby authorize a health care provider representing American Airline to contact the undersigned health care provider for purposes of making disability related inquiries such as whether I have a disability, the need for any reasonable accommodation, and the nature of any such accommodation.

Employee's Signature

Date

## SECTION 2 - DETAILS OF EMPLOYEE'S CONDITION

The employee identified above has requested a job accommodation from American Airlines. In order for the Company to properly evaluate the request, the following information is requested to help determine whether the employee has a disability.

Does the employee have a physical or mental impairment?  Yes  No

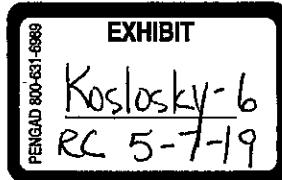
If yes, what is the impairment? *EDEMA DUE TO CANCER SURGERY*

What is the duration of the employee's impairment? *INDEFINATE*

Does the impairment affect any of the following:  
(Check any that apply)

<input type="checkbox"/> Caring for Self	<input checked="" type="checkbox"/> Walking	<input type="checkbox"/> Hearing	<input type="checkbox"/> Lifting
<input type="checkbox"/> Interacting with Others	<input type="checkbox"/> Standing	<input type="checkbox"/> Seeing	<input type="checkbox"/> Sleeping
<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Reaching	<input type="checkbox"/> Speaking	<input type="checkbox"/> Concentrating
<input type="checkbox"/> Breathing	<input type="checkbox"/> Thinking	<input type="checkbox"/> Learning	<input type="checkbox"/> Operation of Bodily Function
<input type="checkbox"/> Working	<input type="checkbox"/> Sitting	<input type="checkbox"/> Eating	<input type="checkbox"/> Reacting
<input type="checkbox"/> Bending	<input type="checkbox"/> Reading		
<input checked="" type="checkbox"/> Other <i>HEAT AND EXCESSIVE WALKING</i>			
<input type="checkbox"/> None of the above			

Does the impairment substantially limit the ability of the employee to perform any of the activities you identified as compared to most people in the general population?  Yes



#### REASONABLE ACCOMMODATION REQUEST – HEALTH CARE PROVIDER

##### SECTION 3 – QUESTIONS TO HELP DETERMINE WHETHER AN ACCOMMODATION IS NEEDED

Please see the attached job description to complete this Section.

What limitation(s), if any, interfere with the job performance or the employee's ability to access an employment benefit?

EXCESSIVE WALKING And HEAT

How do the employee's limitation(s) interfere with his/her ability to perform the job function(s) or access an employment benefit?

No

##### SECTION 4 – QUESTIONS TO HELP DETERMINE EFFECTIVE ACCOMMODATION OPTIONS

Do you have any suggestions regarding possible accommodations to enable the employee to successfully perform his/her job or access an employment benefit? If so, what are they?

YES - PATIENT HAS REQUESTED TO STAY ON B-COONCRETE  
AS much cooler And LESS walking.

ALSO, PATIENT HAS A place ON B WITHE SITE CAN GO And ELEVATE  
JOB AND IS VERY COOL

Would performing any of the job functions result in a direct safety or health threat to this employee or other people? Is there any other accommodation you would recommend which would eliminate this threat?

No

##### SECTION 5 –TREATING HEALTHCARE PROVIDER INFORMATION

Health Care Provider's Name (Print) Dr. Katherine Gurnee

Today's Date 8/14/2016 Type of Practice \_\_\_\_\_ State (location) of Practice NJ

Other Phone Number 856-566-7020 Office Fax \_\_\_\_\_

Treating Health Care Provider's Signature Katherine Gurnee

##### SECTION 6-EMPLOYEE'S CERTIFICATION

I CERTIFY THAT ALL STATEMENTS AND ANSWERS PROVIDED BY ME OR MY HEALTH CARE PROVIDER ON THIS FORM ARE COMPLETE AND TRUE TO THE BEST OF MY KNOWLEDGE, AND I UNDERSTAND THAT ANY FALSIFICATION OF MY MEDICAL HISTORY OR REQUEST MAY BE CAUSE FOR DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

Employee's Signature John Kennedy

Date 8/14/2016

Please give completed form to your Human Resources Business Partner

American Airlines

## REASONABLE ACCOMMODATION REQUEST FORM

## SECTION 1 - EMPLOYEE INFORMATION

Employee Name <i>CRAVEN Koslasky</i>	Employee Number <i>407148</i>	Today's Date
Manager Name <i>Ty Northern</i>	Employee Contact [Redacted]	Location (Include city & state) <i>PHL</i>
Work Group <i>TS</i>		
<input type="checkbox"/> Fleet Service (Ramp, Cargo, etc.)	<input type="checkbox"/> Fit. Ops Other (FCTI, Slim Engineer, Dispatch, etc.)	<input checked="" type="checkbox"/> Passenger Service - Airports
<input type="checkbox"/> Flight Attendants	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Pilot
<input type="checkbox"/> Fit. Ops Pilot	<input type="checkbox"/> Non-contract (Mgt., Admin.)	<input type="checkbox"/> Reservations
Employee Mailing Address	Employee Email Address	

## SECTION 2 - QUESTIONS TO CLARIFY ACCOMMODATION REQUESTED

Accommodation Start Date <i>Immediately</i>	Accommodation End Date (Indicate "Indefinite" if requesting an indefinite modification.) <i>INDEFINATE</i>
--	---

## A. Questions To Clarify Accommodation Requested.

What specific accommodation are you requesting?

*TO BE ASSIGNED TO B-GATES ONLY. Edema is EFFECTED BY HEAT (C-GATES VERY HOT) And EXCESSIVE WALKING. ALSO ON B, THERE IS A PLACE I CAN GO TO TO ELEVATE LEG, AND IS VERY COLD TO BRING SWELLING*

If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?  Yes  No *JONAH.*

If yes, please explain.

Is your accommodation request time sensitive?

 Yes  No

If yes, please explain.

*DUE TO EXCESSIVE SWELLING OF SURGERY SITE.*

## B. Questions To Document The Reason For Accommodation Request.

What, if any, job function are you having difficulty performing?

*I HAVE BEEN ASSIGNED TO BE TERMINAL, HOWEVER SINCE COMING BACK, NOW I HAVE BEEN ASSIGNED C-55, C-57, C-59, WHICH ARE EXTREMELY HOT*

Have you had any accommodations in the past for this same limitation?  Yes  No

If yes, what were they and how effective were they?

*And very long walks.*

REASONABLE ACCOMMODATION REQUEST FORM

If you are requesting a specific accommodation, how will that accommodation assist you?

LESS WALKING, LESS EXCESSIVE HEAT EXPOSURE, AS THAT IS A MAJOR CONTRIBUTING FACTOR WITH EDEMA.

Other: Please Provide Any Additional Information That Might Be Useful In Processing Your Accommodation Request.

SECTION 3 - IMPORTANT INFORMATION

American Airlines will review and respond to your job accommodation request as soon as feasible. If you have questions in the meantime, please contact your Human Resources Business Partner.

SECTION 4 - SIGNATURES

I certify that all statements and answers provided on this form are complete and true to the best of my knowledge, and I understand that any falsification of my medical history or request may be cause for disciplinary action up to and including termination.

Employee Signature

Send completed form to your Human Resources Business Partner

Date

8/15/16

SECTION 5 - INTERNAL USE ONLY

Date Received

Forwarded to (Name)

Date



August 22, 2016

Ms. Colleen Koslosky  
110 Whitman Ave  
Stratford, NJ 08084

BY MAIL

Dear Colleen:

You submitted a request for a reasonable accommodation under the Americans with Disabilities Act (ADA) on August 16, 2016. Specifically, you requested to remain on B-Concourse as you felt it was much cooler and there is less walking as you have a place on B where you can go and elevate your foot.

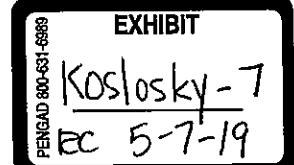
On August 16, 2016, you and I had an interactive discussion to explore possible reasonable accommodations. At that time, I did advise that I would then engage with the Customer Care department director to review your request and explore options.

After a review of all the information available, the Customer Care operation is unable to fulfill your request. With regards to the temperature, please note that any facility issue would have to be reviewed by Beth Norton and the DOA. You are certainly welcome to bid and hold a ticket counter if this suits your needs. However, the operation cannot assign any particular agent a concourse. Please utilize the break rooms available to you on your assigned breaks to elevate your foot if need be.

Please let me know if you have any questions or future concerns.

Sincerely,

  
Naomi Postlewait  
Senior HR Specialist, Human Resources  
Philadelphia International Airport  
610-362-4126



Jul.18.2017 07:23 PM

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610-362-7261

AmericanAirlines

## REASONABLE ACCOMMODATION REQUEST - HEALTH CARE PROVIDER

Instructions: Employee should complete Sections 1 and 6. In addition, please ask your health care provider to complete Sections 2-5. Please attach your job description to the request form

## SECTION 1 - EMPLOYEE INFORMATION

Name COLLEEN KOSLOSKY Employee Number AB71478 Home Telephone [REDACTED]  
 Address 110 WHITMAN AVE. City STRAFFORD State NJ ZIP 08084  
 Department PHL Supervisor MULTIPLE Work Telephone [REDACTED]  
 Current Position CUSTOMER SERVICE

## Employee Certification and Medical Release

I hereby authorize a health care provider representing American Airline to contact the undersigned health care provider for purposes of making disability related inquiries such as whether I have a disability, the need for any reasonable accommodation, and the nature of any such accommodation.

Colleen Koslosky  
Employee Signature7/18/17  
Date

## SECTION 2 - DETAILS OF EMPLOYEE'S CONDITION

The employee identified above has requested a job accommodation from American Airlines. In order for the Company to properly evaluate the request, the following information is requested to help determine whether the employee has a disability.

Does the employee have a physical or mental impairment?  Yes  No

If yes, what is the impairment?

PLE lymphedema, PLE nerve damage, gait dysfunction  
to be determined

What is the duration of the employee's impairment?

Does the impairment affect any of the following:

(Check any that apply)

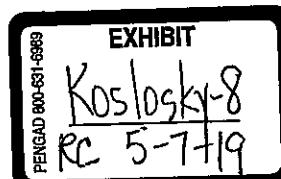
- |  |   |                                   |   |
|--|---|-----------------------------------|---|
| <input type="checkbox"/> Caring for Self         | <input checked="" type="checkbox"/> Walking | <input type="checkbox"/> Hearing  | <input type="checkbox"/> Lifting                      |
| <input type="checkbox"/> Interacting with Others | <input type="checkbox"/> Standing           | <input type="checkbox"/> Seeing   | <input type="checkbox"/> Sleeping                     |
| <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Reaching           | <input type="checkbox"/> Speaking | <input type="checkbox"/> Concentrating                |
| <input type="checkbox"/> Breathing               | <input type="checkbox"/> Thinking           | <input type="checkbox"/> Learning | <input type="checkbox"/> Operation of Bodily Function |
| <input type="checkbox"/> Working                 | <input type="checkbox"/> Sitting            | <input type="checkbox"/> Eating   | <input type="checkbox"/> Reacting                     |
| <input type="checkbox"/> Bending                 | <input type="checkbox"/> Reading            |                                   |   |

Other \_\_\_\_\_

None of the above

Does the impairment substantially limit the ability of the employee to perform any of the activities you identified as compared to most people in the general population?  Yes  No

Check-In @ B-5 underneath (b-15 or b-1; right there)



Jul.18.2017 07:24 PM

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## **REASONABLE ACCOMMODATION REQUEST – HEALTH CARE PROVIDER**

**SECTION 3 – QUESTIONS TO HELP DETERMINE WHETHER AN ACCOMMODATION IS NEEDED**

Please see the attached job description to complete this Section.

**What limitation(s), if any, interfere with the job performance or the employee's ability to access an employment benefit?**

If I had melanoma flap surgery to LLE when I was since passed RIG, edema and nerve damage. The pain caused by current condition is continuous in nature.

How do the employee's limitation(s) interfere with his/her ability to perform the job function(s) or access an employment benefit?

pt. has physical limits of long distance walking and experiences pain w/ repetitive walking. Also experienced pain in RVE in elevated temperatures.

**SECTION 4 - QUESTIONS TO HELP DETERMINE EFFECTIVE ACCOMMODATION OPTIONS**

**Do you have any suggestions regarding possible accommodations to enable the employee to successfully perform his/her job or access an employment benefit? If so, what are they?**

Limit long-distance walking and exposure to elevated temperatures > 85°F.

Would performing any of the job functions result in a direct safety or health threat to this employee or other people? Is there any other accommodation you would recommend which would eliminate this threat?

yes. It has favored left lateral extenency causing skeletal misalignment & at a higher risk for falls + gait abnormalities

#### **SECTION 5 - TREATING HEALTHCARE PROVIDER INFORMATION**

Health Care Provider's Name (Print) Dr. Parmiter O'Brien

Today's Date 7-18-17 Type of Practice CPRC REPRODUCTIVE State (Location) of Practice WYOMING, WY

Other Phone Number 877-788-7800 Office Fax 800-782-0025

Other Phone Number \_\_\_\_\_

Treating Health Care Provider's Signature Dr. P. S. Srinivas

**SECTION G-EMPLOYEE'S CERTIFICATION**

I CERTIFY THAT ALL STATEMENTS AND ANSWERS PROVIDED BY ME OR MY HEALTH CARE PROVIDER ON THIS FORM ARE COMPLETE AND TRUE TO THE BEST OF MY KNOWLEDGE, AND I UNDERSTAND THAT ANY FALSIFICATION OF MY MEDICAL HISTORY OR REQUEST MAY BE CAUSE FOR DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

**Employee's Signature**

Dat

7/18/17

**From:** Yori, Robert <Robert.Yori@aa.com>  
**Sent:** Wednesday, July 26, 2017 1:17 PM  
**To:** colleenkoslowsky@hotmail.com  
**Subject:** ADA Accommodation  
**Attachments:** Koslosky, Colleen ADA AccommodationLtr 07-25-17.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Colleen:

It was good talking with you today.

Please find attached your letter of accommodation. As I mentioned, the next CWA bid will probably be announced in August and be posted sometime in September 2017. In order to expedite your return to work, we can temporarily assign you in POC until such time that the bid is posted. Thereafter, with your seniority, you can bid and hold any of the accommodation assignments indicated in the letter. Your operations management has committed to making certain that you will be provided relevant training in any of the accommodations.

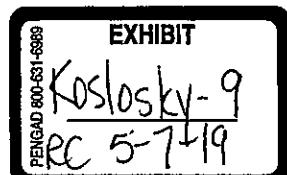
I know that were clear with me that you did not intend to avail yourself to the accommodations provided. Rather, you said that you would attempt to swap assignments with other agents in order for you to work on Concourse B. Nevertheless, I am requesting that you consider the accommodations provided in this letter.

I will call you again on Friday, July 28, so that we can review any questions or concerns you have.

Kind regards,  
Bob



**Bob Yori**  
Human Resources  
Off: 610.362.1990  
Fax: 610.362.7261





July 25, 2017

Ms. Colleen Koslosky  
110 Whitman Ave.  
Stratford, NJ 08084

VIA EMAIL: [colleenkosloski@hotmail.com](mailto:colleenkosloski@hotmail.com)  
*Colleen*

Dear Ms. Koslosky:

This letter is a follow-up to our interactive discussions, the most recent of which occurred today.

On July 18, 2017, you submitted a Reasonable Accommodation Request form requesting an accommodation in order to perform the essential functions of your Customer Service Agent position at the Philadelphia International Airport.

Your requested accommodation, and supported by your Health Care Provider, was to limit long your distance walking and exposure to elevated temperatures greater than 85 degrees Fahrenheit.

During one of our interactive discussions, you suggested to be assigned only to Concourse B as an accommodation. You said that normally clock-in under the B-5 gate and that you were able to walk and work any gate from B-1 to B-15. You further stated that you surmised that a personality conflict between your union scheduler and you was a possible reason for you being assigned to gates on concourses that required long distance walking beyond your requested accommodation.

After evaluation, we are unable to accommodate you by assigning you only to work B concourse. This is due to the required flexibility our operation needs to assign agents to whatever concourse and gates are in need of staffing as a result of often spontaneous gate changes, diversions and irregular operations.

However, in reviewing your seniority, we have confirmed that you will be able to bid and hold (under your Collective Bargaining Agreement) other locations that are suitable accommodations. Such locations include the B/C Ticket Counter or POC or Special Services. Both the Ticket Counter and POC are closer than the furthest gates on Concourse B. Special Services is located in the A Concourse but very close to a clock that would minimize your walk. All areas and breakrooms have temperatures that are normally regulated under 86 degrees. Furthermore, none are assigned by a scheduler.

Please advise me immediately if you are in need of a further accommodation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Yori".

Robert L. Yori  
Human Resources Manager  
610-362-1990



HOLY SH!T!

Look what I just found in my company email!

Two SPACE POSITIVE tickets, upgradable to First Class, anywhere in the world in recognition for being selected by Air Transport World's Airline o... See More

Tuesday, January 17, 2017

American Airlines 

## Special Jetwire

A Message from Doug Parker – Celebrating a Phenomenal 2016

Dear Team Members,

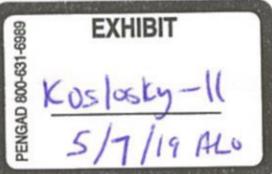
Today Air Transport World (ATW) – the leading magazine for global airlines and the air transport community – announced its selection of American Airlines as its 2017 Airline of the Year. American has won this prestigious award twice before, most recently almost 30 years ago in 1988. Congratulations!

This recognition is a testament to the mission shared by 120,000 team members of our mainline and wholly owned regional airlines. The ATW editorial board described the American integration as “practically flawless, despite it being the largest, most complex airline merger in history.” And while it is satisfying to receive accolades for our integration work, it is even more energizing to receive recognition for the work being done for our future. ATW cited our operational and customer service improvements, as well as the more than \$3 billion in new customer products and services, including greater onboard connectivity, new entertainment and dining choices, upgraded lounges and new destinations. Lastly, they note that all of this is being accomplished while delivering profitable returns to our shareholders.

American is setting a new standard for service, and that’s thanks to the work all of you do. It is a noble calling to play a role in transporting the people who entrust their travel needs to us, and it is gratifying to be recognized when we do that well.

To celebrate this prestigious recognition by ATW and your unique part in it, American employees – including team members at Envoy, Piedmont and PSA – will receive two positive space, round-trip Main Cabin tickets anywhere we fly. These tickets will be upgradable to First Class on a space available basis, and will be available for use beginning this summer through December 2018. You can find more details on [Jetnet](#).

American Airlines was selected as Airline of the Year for 2017 because of all of you and the jobs you do so well for our customers. I hope you enjoy a special trip, and the memories you’ll create with someone close to you, as appreciation for all you’ve done to set American on its path to greatness. Congratulations and here’s to another great year.



38

2 Shares

Like

Comment

Share



Colleen Koslosky

Sep 23 at 09:12 ·

...

If I were Black in America, I think I'd get down on my knees every day and thank my lucky stars that my ancestors were brought over here as slaves, because when you look at the amazing rights, privileges, and benefits that come along with U.S. citizenship, and then compare that to the relentless poverty, violence, and suffering in Africa, it's like winning the Super Lotto, a hundred times over.

But I guess I'm old-fashioned that way, believing as I do in the importance of gratitude, humility, and respect.

- Dan Pflaum

42

21 Comments • 5 Shares

Like

Comment

Share

PENGAD 800-631-6969  
EXHIBIT  
Koslosky  
12  
5/7/19 ALO



Colleen Koslosky

13 hrs ·

...



Write a comment...



PENGAD 800-631-6869  
AMERICAN 000485

EXHIBIT  
Koslosky  
15  
5/19 ALD



**Colleen Koslosky**

Sep 23 at 10:46am •

...

We are losing Blue Eyed People.

Too many are reproducing with Brown Eyed People.

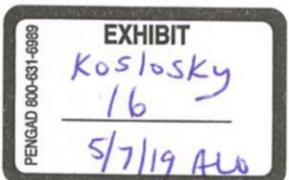
This is true.

So Blue Eyed People...UNITE!



**All blue-eyed people have a single ancestor in common**

[businessinsider.com](http://businessinsider.com)





September 27, 2017

Ms. Colleen Koslosky  
110 Whitman Avenue  
Stratford, NJ 08084

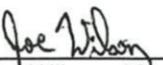
VIA EMAIL: [colleenkoslosky@hotmail.com](mailto:colleenkoslosky@hotmail.com)  
Contact No: 856-904-3567

Dear Colleen:

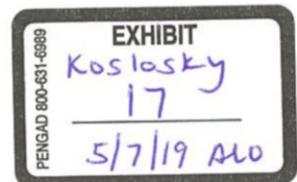
As we discussed today by telephone, you are hereby held out of service with pay as we look into your allegations as well as other allegations regarding posts on social media.

As part of our inquiry, we will be scheduling a meeting with you in the near future. In accordance with your CBA, please arrange for union representation once that meeting is scheduled.

As a reminder, while you are held out of service, you are not allowed to use any of the flight privileges that are provided to you as an American Airlines employee, including traveling on any other carrier as a "non-revenue" pass traveler.

  
\_\_\_\_\_  
Joe Wilson, Manager on Duty

cc: Beth Norton, MD, Customer Care, PHL  
Union Representative





October 6, 2017

To: Colleen Koslosky, Emp. No. 467648  
Customer Service Agent  
  
Re: Termination of Employment

American Airlines recently became aware of several of your posts on your then-public Facebook page that contained concerning statements about race. One post stated, for example, "If I were Black in America, I think I'd get down on my knees every day and thank my lucky stars that my ancestors were brought over here as slaves." The post went on to imply that Black people who think otherwise lack "gratitude, humility, and respect." Another post, apparently in reference to recent protests by African-American athletes, was a photo of a T-shirt depicting a drawing of cotton with the statement, "Have you lost your cotton pickin' mind?" At the time that you posted this material, your social media presence identified you as an American Airlines employee and these posts were publicly available for anyone to view - including not only your co-workers, but also American Airlines customers.

In a meeting held to investigate this matter, you acknowledged that you posted this material on social media but you denied that there was any reason to apologize, saying, "I don't know why anyone would be upset." by this material.

As stated in our Social Media policy,

Prior to posting anything online, remember you are personally responsible for the content you post or publish in any form of user-generated media. To the extent any of your personal or business related postings refer to, relate to, implicate or reflect on American Airlines or any other AAG company, you will be held responsible for complying with any American Airlines' rules, policies and procedures that may relate to your post.

The above-mentioned content that you posted on social media is wholly antithetical to the American Airlines Work Environment Policy, which among other things strictly prohibits bias-related behavior and verbal or visual conduct that denigrates or disparages others, including but not limited to any member of a minority, racial or ethnic group.

Moreover, I have concluded that your actions as described above violate the requirements reflected in the American Airlines Professional Conduct Standards for Passenger Service Employees, which state, in part:

American Airlines team members are expected to demonstrate professional conduct that reflects commonsense, integrity, responsibility, initiative, efficiency and good judgment at all times. Team members should not act in a way that is detrimental to the welfare of, or reflects unfavorably on, the company or other team members.

As the Work Environment Policy makes clear, American Airlines does not tolerate bias-related behavior, and American Airlines embraces and celebrates diversity. Indeed, we state prominently on aa.com:

From the team members we hire to the customers we serve, inclusion and diversity is a way of life at American Airlines. Every day, our team members work to make American a place where people of all generations, races, ethnicities, genders, sexual orientations, religious affiliations and backgrounds feel welcome and valued.

In light of your conduct, American Airlines is no longer able to trust you to engage with your co-workers and serve our customers in a way that demonstrates the Company's core values. Accordingly, and in view of the above, your employment is terminated effective with the issuance of this letter.

All Company property is to be returned to me and is not to be used for any purpose after the issuance of this letter. Please contact the Team Member Service Center at 800-447-2000 with any questions you may have regarding continuation coverage or other benefits.

*Beth M. Norton*  
Beth M. Norton  
Managing Director – Customer Care  
PHL

cc: Personnel File  
CWA  
Human Resources

✓ Personally Handed to Employee  
By: *Beth M. Norton*

EXHIBIT  
Koslosky  
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PENGAD 800-631-6889

Communications  
Workers of America  
AFL-CIO

230 South Broad Street, 19th Floor  
Philadelphia, Pennsylvania 19102  
(215) 546-5574 • Fax (215) 985-2102  
Email: emooney@cwa-union.org

Edward F. Mooney  
International Vice-President  
District 2-13



June 27, 2018

Colleen Koslosky  
110 Whitman Avenue  
Stratford, NJ 08084

**Re: Grievance #GC09-09SEP/CWA Case #US C-PHL-13301-17-043  
Termination for Violation of AA Social Media Policy**

Dear Ms. Koslosky:

On April 20, 2018 a letter was sent to you notifying you that CWA did not intend to advance the above referenced grievance to arbitration.

On May 14, 2018 your appeal letter was received in my office. Your appeal is timely and in proper order. However, for the reasons stated below I cannot agree to advance this dispute to arbitration.

Our records indicate that you were employed by American Airlines as a Customer Service Agent at the Philadelphia Airport with a hire date of December 12, 1983. On October 6, 2017 American Airlines (AA) terminated your employment for allegedly violating its Social Media and Work Environment policies.

Disciplinary action was taken, according to AA, after you notified supervision that your social media (Facebook) postings had been viewed by co-workers and were perceived as racially provocative and disparaging toward African-Americans. These postings were found on your publically-accessible Facebook account, visible to co-workers (some of whom were identified as Facebook "Friends") as well as AA customers.

American Airlines maintains a Social Media policy that prohibits "bias-related behavior and verbal or visual conduct that denigrates or disparages others, including...any member of a minority, racial or ethnic group." Further, AA maintains a Work Environment policy where employees are expected to "make American a place where people of all generations, races, ethnicities, genders, sexual orientations, religious affiliations and backgrounds feel welcome and valued."

Based on the publicly accessible Facebook postings that you acknowledged placing on your account, and defended by stating that you could not understand why anyone would be upset by them, an arbitrator would easily find that American had just

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cause to take disciplinary action against you. The degree of discipline would be considered in light of the disruption in the workplace that your presence would accompany. Your actions not only violated various AA policies, they have also alienated and angered a large share of your co-workers. An arbitrator would be most reluctant to return you to the work place, in particular since you remain reticent to acknowledge the impact that your postings has on a large segment of American's workforce. For the above stated reasons, I cannot agree to advance this grievance to arbitration.

If you disagree with my decision, you may file an appeal under Section III of the Internal Appeals Procedure contained in the CWA Constitution. Your appeal must be in writing, signed by you, filed with the President of the Communications Workers of America, and submitted by mail, facsimile or personal delivery within thirty (30) days of the date of this letter (e-mails will not be processed). Your appeal must also contain any additional evidence the Union could use to persuade an arbitrator to sustain your grievance.

Please send your appeal to:

**Christopher Shelton, President  
Communications Workers of America  
501 Third Street, NW  
Washington, DC 20001-2797**

Sincerely,



Edward F. Mooney,  
International Vice President  
Communications Workers of America

cc: M. Davis  
P. Tronsor  
Case file

/arm

**CERTIFIED MAIL: 7017 3040 0001 1286 1368**

Koelosky

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